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# University Response to the Dear Colleague Letter on Sexual Violence: A Case Study

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UNIVERSITY RESPONSE TO THE DEAR COLLEAGUE LETTER  
ON SEXUAL VIOLENCE: A CASE STUDY

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A Dissertation  
Presented to  
the Graduate School of  
Clemson University

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In Partial Fulfillment  
of the Requirements of the Degree  
Doctor of Philosophy  
Educational Leadership

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by  
Kimberly Melissa Poole  
August 2014

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Accepted by:  
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## ABSTRACT

Sexual violence at institutions of higher education has been a problem of concern for several decades. In April 2011, the Department of Education's Office of Civil Rights issued the Dear Colleague Letter on sexual violence. This document offered guidance and recommendations to schools on ways to educate about and respond to sexual harassment including sexual violence. Since its release there has been limited research on its impact and university response.

The purpose of this study was to learn more about one institution's administrators' response to the Dear Colleague Letter on sexual violence. A case study design was used to complete the study. The data sources were interviews with administrators, observations, and documents. The participants were five mid-level and higher university administrators. The emergent themes from the study are change, collaboration, support, and human and financial capital. This institution has had an encouraging response, but additional studies at more institutions are needed.

## DEDICATION

This work is dedicated to my mother for her continuous love, support, and encouragement.

## ACKNOWLEDGMENTS

Thank you to God for His grace and favor.

Thank you to my mother, M. Joanne Poole, who has always supported me and encouraged me to pursue every opportunity for growth available to me. You reminded me to see beyond my circumstances. To my family, friends, and sorority sisters, I appreciate you for understanding the many times that I could not attend an event, arrived late or left early. You inspired me to continue this journey and to be successful. It is because of you that I had the strength to go on. I offer an extra special thank you to Greg, Chris, Beth, Breah, LaShauna, Artrice, and Nitka.

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To my professional colleagues, you all made the challenge of balancing work and school manageable. I appreciate your understanding, support, and reassurance.

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## CHAPTER ONE

### INTRODUCTION

#### **Background of the Study**

The prevalence of sexual violence in higher education is a concern and has been for many decades. Institutions of higher education serve a pivotal role in the lives of adolescents; however, while they are members of college campuses, students, particularly female students, are at great risk of being victims of crime, including sexual violence (Fisher, Sloan, Cullen, & Lu, 1998; Koss, Gidycz, and Wisniewski, 1987). An average of 20 – 25% of college students reported being victims of attempted or completed sexual violence (Fisher, Cullen, & Turner, 2000), alcohol is a common part of sexual victimizations with college students (Abbey, Zawacki, Buck, Clinton, McAuslan, 2004; Mohler-Kuo, Dowdall, Koss, Wechsler, 2004). Such risk of violence necessitates those institutions of higher education work to prevent violence as well as to provide support to individuals who are victimized.

Individuals who experience sexual violence commonly experienced negative emotional, psychological, and physical complications (Burgess & Holstrom, 1979; Kress, Trippany, & Nolan, 2003; Ullman & Filipas, 2001; Zinzow et al., 2011). When a student is victimized and facing these negative responses, it can be a challenge to remain actively and successfully engaged with their campus environment. It is important for college administrators to incorporate education and procedures that help to prevent sexual violence on their campuses. Campuses also need to have services available to help students to cope and heal if they do experience sexual violence.

The rates of sexual violence in higher education and the negative impact on campus constituents were of great concern for the Department of Education (Dear Colleague Letter, 2011). Title IX of the Education Amendments of 1972 is a comprehensive federal law that prohibits sexual discrimination at any federally funded institution, including colleges, universities, and elementary and secondary schools. Through the years, the Department of Education's Office of Civil Rights has issued guidance to support institutions with implementing this law, but sexual harassment and sexual violence remain an issue.

In 1997, the Office of Civil Rights issued a Sexual Harassment Guidance document that provided information regarding recognizing sexual harassment, investigating sexual violence, and taking steps to prevent its recurrence (U. S. Department of Education, 1997). In 2001, a Revised Sexual Harassment Guidance document was issued in response to several Supreme Court rulings about sexual harassment. This document provided further guidance on response (U. S. Department of Education, 2001). On April 4, 2011, in reaction to continued alarming rates of sexual victimization on college campuses, the Department of Education's Office of Civil Rights issued the Dear Colleague Letter on sexual violence (U. S. Department of Education, 2011). It was intended to be a comprehensive document with clarifications about Title IX. It also provided more specific guidance, with examples, of how colleges should respond to sexual violence on their campuses.

Response to the Dear Colleague Letter on sexual violence (DCL) is important as it offers an opportunity to create safer campus environments and greater support for

constituents. If implemented effectively, this could contribute to a decrease in campus sexual violence and support an atmosphere of safety, but in the short number of years since the document was released, there has been little research on how campuses have responded. Following the guidance of the DCL creates an opportunity to contribute to a safe campus. The guidance aligns with the components of Environmental Theory and Strange and Banning's (2001) descriptions of designing safe campus environments. This theory and its relations to campus sexual violence and the DCL are discussed further in Chapter Two.

### **Statement of the Problem**

Incidents of sexual violence have been documented as a problem in higher education since the 1980s (Fisher, Cullen, & Turner, 2000; Koss, Gidycz, and Wisniewski, 1987; Krebs, Lindquist, Warner, Fisher, & Martin, 2007; White & Smith, 2009). Krebs (2007) reported that incidents of sexual violence have obvious harmful or criminal implications but they also have, less obvious implications of physical, emotional, and psychological harm that disrupted the lives of those who are victimized (Krebs et al., 2007). On April 4, 2011, the Department of Education's Office of Civil Rights released the Dear Colleague Letter on sexual violence (U. S. Department of Education, 2011) in an effort to provide guidance to institutions of higher education on its responsibilities to address this issue. This document could help institutions to move forward in addressing sexual violence in an effective manner (Carroll et al., 2013). In the short time since the release of the letter, there has been little research on the response by institutions and administrators. For this study, the researcher utilized a case study to

understand one university's response to the DCL and to identify strategies that may be helpful to other institutions.

### **Purpose of the Study**

The purpose of this case study was to explore the impact of the 2011 Dear Colleague Letter on sexual violence (DCL) on an institution of higher education. The study investigated one institution's response to and implementation of the DCL. These responses examined institutional policy, protocols, personnel, services offered, and available resources. Though Title IX of the Education Amendments of 1972, as amended (Title IX), that prohibits discrimination on the basis of sex is not new, the guidance provided by the DCL is a recent occurrence and the impact is not yet understood. An investigation of the practical implementation of these directives and clarifications is useful as America's colleges and universities work to be compliant with Title IX and to offer a safe and supportive environment for the campus community and its constituents. The DCL does address the P-12 education system, but for this study the researcher chose to focus on higher education.

### **Research Question**

To explore the early responses to the Dear Colleague Letter on sexual violence, the guiding research question was:

How are university administrators responding to the guidance and clarification provided in the 2011 Dear Colleague Letter on sexual violence?

### **Significance of the Study**

The 2011 Dear Colleague Letter on sexual violence (DCL) provides guidance and clarification to colleges and universities on prevention, education, and remediation strategies for instances of sexual violence. The letter offers details of policies and procedures that need to be in place, the information that must be disseminated on campus, and resources that should be available in response to sexual harassment, including sexual violence. The DCL cites ongoing problems with sexual violence on college campuses as a reason for the letter.

Campuses are faced with developing and implementing strategies that fully address Title IX and the Dear Colleague Letter on sexual violence (DCL). This case study allows for in-depth exploration of how one institution and its administrators incorporated Title IX and the DCL. The results of this case study may serve as direction and a possible model for other institutions on how to implement the guidance and clarifications provided in the DCL to support a safe, supportive, and non-hostile learning environment in higher education.

### **Definition of Terms**

The following list of definitions is used to clarify terms that will be used throughout the study.

1. A **case study** is “the study of the particularity and complexity of a single case , coming to understand its activity within important circumstances” (Stake, 1995, p. xi)
2. The **Dear Colleague Letter on sexual violence** is a significant document released to colleges and universities by the United States

Department of Education and its Office for Civil Rights in 2011 to discuss Title IX requirements; to supplement the previous guidance on how to respond to sexual violence; and to provide information on proactive efforts to prevent sexual violence; and to provide examples of remedies to end such conduct, prevent its recurrence, and to address its effects (DCL, 2011).

3. The **Deputy Title IX Coordinator** serves in a supporting role to the senior Title IX Coordinator (DCL, 2011).
4. **Environmental Theory** defines how individuals and human behavior are influenced by the environment (Strange & Banning, 2001). Behavior is viewed as an outcome of the relationship between the person and the environment (Stern, 1970).
5. A **hostile environment** is the environment created when a student sexually harasses another student “if the conduct is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the school’s program” (DCL, 2011, p. 3)
6. **Reporting** refers to a student’s right to file a complaint through the student disciplinary procedures, to file a criminal complaint, and to pursue campus grievance procedures (DCL, 2011).
7. **“Sexual harassment** is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for favors, and other verbal, nonverbal, or physical conduct of a sexual nature” (DCL, 2011,

p. 3) It is a form of sex discrimination, including sexual violence, that prohibited by Title IX of the Education Amendments of 1972 and possibly violates Title IV of the Civil Rights Act of 1964 (DCL, 2011).

8. **Sexual violence** as defined in the Dear Colleague Letter on sexual violence and for this study, “refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol” (DCL, 2011, p. 1). The acts include rape, sexual assault, sexual battery, and sexual coercion (DCL, 2011). Sexual harassment is inclusive of sexual violence. “All such acts of sexual violence are forms of sexual harassment covered under Title IX” (DCL, 2011, p. 1).
9. **Student judicial officers** are the portion of campus administration that “regularly deal with student behaviors, many of which in addition to violating campus policies and procedures may also violate criminal law” (Gregory & Janosik, 2002, p. 764). Student judicial officers adjudicate cases; interact regularly with students, student affairs professionals, security officials, and law enforcement; and collect and provide data on cases (Gregory & Janosik, 2003).
10. **Support systems** are people that are indirectly affected when someone they know is a victim of sexual violence. The system includes friends and roommates (Banyard, Moynihan, Walsh, Cohn, & Ward, 2010; Fisher, Daigle, Cullen, & Turner, 2003).

11. **Title IX of the Education Amendments of 1972** and its implementing regulations “prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance” (DCL, 2011, p. 1).
12. The **Title IX Coordinator** is the individual designated to coordinate compliance with Title IX (DCL, 2011).
13. **University administrators** are midlevel and above supervisors in higher education (Clark, B. R., 1983; Winston, Creamer, Miller, & Associates, 2001) with student affairs administrative domains of leader, manager, and educator (Winston et al., 2001).

### **Theoretical Framework**

The theoretical framework used to guide this study is Environmental Theory. Strange and Banning (2001) offer a framework for educators to understand how the campus environment impacts student learning. Understanding the campus environment allows educators and campus administrators to address any issues that may contribute to sexual violence or deter constituents from seeking help.

According to Strange and Banning (2001), the four key components of environments include: (a) the physical environment, (b) the human aggregate, (c) the organizational and structural components, and (d) the perceptions or constructed experiences. These four components support three critical areas necessary for effective learning in the environment (Strange & Banning, 2001). The three areas are: (a) environmental safety and inclusion, (b) structures for involvement, and (c) conditions of



community. Specific to this study, the critical area of the promotion of environmental safety and inclusion is discussed. This area is especially important when creating an environment free of hostility. These constructs were considered during data collection and analysis for the study. The four components of the environment as well as the critical area of safety and inclusion are discussed further in Chapters Two and Three.

### **Overview of Design, Procedures, and Analysis**

The Dear Colleague Letter on Sexual Violence (DCL) was released to institutions of higher education in April 2011. In the three short years since the letter was issued, as discussed in Chapter Two, there have been many conversations, numerous training opportunities, and plans of action implemented on campuses throughout the United States, but structured research about the response to the guidance and the specific actions taken on campuses is limited. A study about campus response is timely and relevant. In this study, the researcher utilized a case study design to answer the guiding research question: How are university administrators responding to the guidance provided in the 2011 Dear Colleague Letter on sexual violence?

The case study design is often utilized to gain in-depth understanding of a situation (Merriam, 1998). The case study is also useful and appropriate for this study because as stated by Merriam (1998), the “insights gleaned from case studies can directly influence policy, practice, and future research” (p. 19). Therefore, the exploratory nature of this research and the descriptive information gained from this single case study can provide useful information for other institutions as they respond to the guidance of the DCL.

This single case study was conducted at a single institution of higher education. The researcher utilized on-site interviews with various campus administrators; follow up interviews with participants via electronic communication; observation of the campus environment; and document review. Campus administrators included the two Deputy Title IX Coordinators, the chief of police, a campus judicial officer, and the Student Health Center director. The triangulation of multiple data sources contributed to the validity of the study (Glesne, 2006).

As recommended by Glesne (2006) and Merriam (1998), the researcher simultaneously completed data analysis with data collection. For case study design, analysis using coding, categorizing, and identifying themes allows for a rich description of the data to be identified (Glesne, 2006; Saldaña, 2013). The researcher employed coding with all of the data sources. The researcher further analyzed the codes to identify themes about institutional response. Data analysis incorporated member checking, a technique to enhance the validity of the study (Glesne, 2006; Saldaña, 2013).

### **Limitations**

The study included several limitations. First, case study research cannot be generalized from the case to the general population. This study explored the actions of a single institution and thought some of their actions can be utilized to other campuses. The study was to understand this institution's response, which is based on their university organizational structure and campus population. Other institutions may have different structural and constituent needs that do not allow the same response. Second, observations are limited by the time frame and temporal setting. The researcher was only

on the campus for two days during the winter months. For the study the observations occurred during a specific period of time and only observant of what was occurring on those two days while the researcher was on campus. Also, the researcher remained an outsider and was primarily an observer in the environment, not a participant. Third, documents may be incomplete or research participants can be selective in what is provided for review. The researcher must rely on the participants for some of the necessary documents; therefore, the study documents are limited to what the participants want to include and additional more revealing information could be concealed. Another limitation is that the researcher has limited experience with case study research. Finally, the researcher serves in an administrative role at her institution of employment. Her responsibilities with implementing Title IX and the Dear Colleague Letter on sexual violence may create researcher bias.

### **Delimitations**

The researcher imposed delimitations while completing this research study. First, the researcher made the choice to complete the study at a single institution. A single case study was used in order to gather in-depth information from participants. Second, the researcher conducted the research with campus administrators and did not include students or other campus constituents. These decisions were made based on the sensitive nature of the topic and possible obstacles to getting necessary participant involvement.

### **Strengths**

Despite the limitations and researcher imposed delimitations, the study has several strengths. First, the case study institution has actively worked for the three years

since the release of the Dear Colleague Letter, so they have experiences that other institutions may not yet have experienced. During this time they have made personnel changes, attained new grant funding, and made changes to their grievance procedures. Secondly, the participants identified for interviews represent a variety of professional roles that are essential to implementing the DCL, which contributes to the thoroughness of the study and depth of data that can be accessed. Finally, the researcher as an instrument is a strength. My professional role and my familiarity with the Dear Colleague Letter and its meaning for higher education administrators invite credibility with potential participants.

### **Organization of the Study**

This research study is presented in five chapters. Chapter I includes the background of the study, the statement of the problem, the purpose of the study, the research question, the significance of the study, definition of terms, the theoretical framework, an overview of design, procedures, and analysis, limitations, delimitations, and strengths. Chapter II presents a review of literature that includes Title IX of the Education Amendments of 1972 and the Dear Colleague Letter, prevalence of sexual violence on higher education, sexual violence and alcohol, reporting sexual violence, the impact of sexual violence on college students and their support systems, a call to action, and theoretical framework. Chapter III describes the methodology of the study, including the selection of participants, instrumentation, data collection, and data analysis. Chapter IV includes the results of the study. Chapter V provides a discussion according to theory, conclusions, implications for practice, limitations, and suggestions for future research.

## CHAPTER TWO

### LITERATURE REVIEW

#### **Introduction**

On April 4, 2011, the Office of Civil Rights of the United States Department of Education issued a document that is commonly referred to as the Dear Colleague Letter (U. S. Department of Education, 2011). This document provides guidance on how educational institutions, particularly institutions of higher education, should effectively implement the Title IX of Education Amendments of 1972 (Title IX), related to sexual harassment, on campuses. Since the release of this document, campuses are working to implement all of the guidance and clarifications that are included. These efforts are impacting millions of students, yet there is little research that demonstrates that colleges understand the reasons and importance for these actions, other than the potential loss of federal funding. It is important to understand that Title IX and the Dear Colleague Letter (DCL) are laws and directives and these documents impact college administrators' decision-making and responses on their campuses. The research question used to guide this study was: How are university administrators responding to the guidance and clarification provided in the 2011 Dear Colleague Letter on sexual violence?

This chapter provides a review of the literature related to the current study. The chapter examines Title IX, the prevalence of sexual violence, reporting and access to resources, and physical and psychological impacts of sexual victimization. The chapter also reviews Environmental Theory and its relation as university administrators address sexual violence in higher education.

Sexual violence is referred to using a variety of terms that reference the continuum of behaviors that constitute sexual violence. The search of peer reviewed journals also included phrases related to the federal documents. The article search was limited by studies specific to colleges since this is the focus of this study. Several different terms, as listed below, were used to research the literature to help better understand the importance of addressing sexual violence and the impact on higher education students. The terms and phrases used for the literature search were: sexual violence and higher education, sexual violence and dear colleague letter, sexual harassment and dear colleague letter, sexual assault and dear colleague letter, sexual violence and title ix, rape and college campuses, higher education and sexual assault, sexual violence and theory, sexual assault and college, sexual victimization and college students, sexual aggression and college, sexual aggression and higher education, sexual violence and college and alcohol, sexual assault and college and alcohol, sexual assault and higher education and alcohol, and sexual aggression and college and alcohol.

Google Scholar and a comprehensive list of electronic databases were used for the search. These included Academic Search Complete, Academic Research Premier, Education Full Text (H. W. Wilson), Education Research Complete, ERIC, Humanities Full Text (H.W. Wilson), Index to Legal Periodicals and Books Full Text (H. W. Wilson), PsycARTICLES, PsycINFO, Social Sciences Full Text (H. W. Wilson), SocINDEX with Full Text, Teacher Reference Center, and Women's Studies International.

There are news articles, commentaries, and editorials about the DCL, but there has yet to be published research on the impact of this document. This study provides a description of action taken on campuses as they work to align with this federal guidance and to learn more about their understanding of the importance of these actions on students as individuals.

### **Title IX of Education Amendments of 1972 and the Dear College Letter**

Title IX of the Education Amendments of 1972 (Title IX) is a comprehensive federal law that prohibits discrimination based on sex. Any educational program that receives federal funding has a responsibility to uphold this law, and the Department of Education later clarified that any agency that receives federal assistance must abide by Title IX. In 2000, the Department of Justice issued a final common rule that helped to ensure adequate enforcement (Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 2000). Title IX provides oversight for and sanctions for all federally funded agencies to address unwelcome conduct of a sexual nature; student-to-student sexual harassment; sexual violence; and protection of students, third parties, faculty, and staff from sexual harassment. The Department of Education's Office of Civil Rights clarified that Title IX prohibits gender based harassment and requires immediate action to end and remedy the effects of sexual harassment.

On April 4, 2011, the Department of Education's Office for Civil Rights issued the Dear Colleague Letter (DCL) to school districts, colleges, and universities to clarify that "sexual harassment of students, which includes acts of sexual violence, is a form of

sex discrimination prohibited by Title IX” (p. 1) and it reminds schools of their responsibilities to take immediate and effective steps in response to sexual violence. The DCL (2011) states that “sexual harassment of students, including sexual violence, interferes with students’ right to receive an education free from discrimination and, in the case of sexual violence, is a crime” (p. 1). The DCL (2011) raises the concern that despite legislation and other efforts, sexual violence continues to occur at significantly higher rates for those in college, yet is underreported on college campuses.

The Dear College Letter (2011) provides guidance on unique concerns of sexual violence cases. These concerns include criminal investigations; guidance and examples about key Title IX requirements; requirements to publish related policies and grievance procedures and to designate a Title IX Coordinator; and the need to take proactive steps to prevent sexual violence. The Dear Colleague Letter on sexual violence discusses the interplay between Title IX, Family Educational Rights and Privacy Act (FERPA), and the Clery Act. It also provides examples of remedies and enforcement, including training and prevention education.

### **Prevalence of Sexual Violence in Higher Education**

Koss, Gidycz, and Wisniewski (1987) recognized in national sexual victimization studies that females in the age categories of 16 – 19 and 20 – 24 were at the greatest risk of rape. This finding was based on studies by the Bureau of Justice statistics and the FBI. Koss et al., 1987 correlated this data to the U.S Census that showed that the majority in these age groups are attending school. These authors extended previous studies with smaller samples of college women to a larger national study. This seminal study found



that about one-quarter of the sample experienced some form of sexual victimization, including completed or attempted sexual assault. While acknowledging the limitations of their trailblazing study, they concluded that the most important conclusion from this type of research is that “rape is much more prevalent than previously believed” (Koss et al, 1987, p. 170).

In the decade that followed the influential study by Koss et al. (1987), rising interest in interpersonal violence experienced by college women and fears that college campuses were not safe led to a government funded study of sexual victimization of college women (Fisher, Cullen, & Turner, 2000). The data that Fisher et al. (2000) found was thought to be “the most systematic analysis of the extent and nature of sexual victimization of college women” (p. 3) since the 1987 Koss et al. study. This study found that when assessed using behaviorally specific terms, women in institutions of higher education experienced sexual violence at an average rate of 35.3 per 1,000 women in a seven month period (Fisher et al., 2000). When these statistics are considered in the context of a full calendar year, and based on an average five year college career, it is estimated that one-fifth to one-quarter of college women experience completed or attempted rape (Fisher et al., 2000). A decade later, the prevalence of sexual violence had not improved (Fisher et al., 2000).

Krebs, Lindquist, Warner, Fisher, and Martin (2007) reported that “sexual assault is a public health and safety problem with far reaching implications” (p. vii). Krebs et al. (2007) completed a campus sexual assault study to further understand the prevalence of sexual violence and to identify prevention and intervention efforts. Krebs et al. (2007)

found that an average of 19% of the women who participated in their study experienced completed or attempted sexual assault since entering college.

Research has consistently demonstrated that sexual victimization is a high risk concern for college women at traditionally white institutions, but there has been little research conducted among student attending historically black colleges or universities (Krebs et al., 2011). Krebs et al. (2011) completed their study and reported that “to our knowledge, this is the first study to produce estimates of prevalence of sexual assault among undergraduate women at HBCUs” (p. 3657). Krebs et al. (2011) found that the rate of women at historically black colleges or universities (HBCUs) that experienced attempted or completed sexual assault since entering college was 14%. This rate is less than the national average at other institutions and was attributed to differences in alcohol use and the prominent impact of alcohol use with sexual victimization (Krebs et al., 2011).

Though the majority of victims of sexual violence were reported to be females, males did experience sexual victimization. Some researchers reported that an average of 2 – 7% of men in the general population experience unwanted sexual contact as adults (Elliott, Mok, & Briere, 2004; Tjaden & Thoennes, 2000; Tjaden & Thoennes, 2006). Elliott, Mok, and Briere (2004) stated that the discrepancy between studies may be due to the definitions used in the studies. Sexual violence and sexual assault include a continuum of acts, so unless specific behaviors are identified, study participants may label their experiences differently. This could lead to responding to study questions differently which contributes to variations in study findings. There is also limited

research related to sexual orientation and sexual violence, but Duncan (1990) completed a university-based study that indicated that “gay and lesbian students are at higher risk for sexual victimization than the heterosexual students” (p. 66).

From the mid-1980s until the present, the documented prevalence of sexual violence has remained steady (Fisher et al., 2000; Koss et al., 1987; Krebs et al., 2007; White & Smith, 2009). Given the negative implications associated with sexual violence, it is imperative the colleges and universities not only work to reduce this prevalence, but must also be cognizant of its occurrence and provide resources and support to this widespread portion of their student population. Title IX and the Dear Colleague Letter offer opportunities to put these mechanisms in place.

### **Alcohol and Sexual Violence**

Researchers reported that alcohol has been consumed by either the victim, the offender or both in about 50 – 72% of instances of sexual assault among college women (Abbey et al., 2004; Mohler-Kuo et al., 2004). Palmer, McMahon, Rounsaville, and Ball (2010) reported that women who consume large amounts of alcohol experienced greater negative consequences and engaged in fewer protective strategies. Ullman, Karabatsos, and Koss (1999) found that alcohol use contributes to increased offender aggression, which is similar to the findings of Testa and Parks (1996). These researchers also all reported that there is greater severity of outcome, completed rape (Testa & Parks, 1996; Ullman, Karabatsos, & Koss, 1999). Testa and Parks (1996) and Ullman et al. (1999) hypothesize that the severity of aggression does not increase with a female victim drinking because there is less resistance during the victimization. Testa and Livingston

(2009) recommend that sexual victimization of college women can be reduced if prevention efforts target college women's heavy episodic drinking in social settings.

### **Reporting Sexual Violence**

Several researchers reported that sexual violence is an underreported violent crime which can deter access to resources and is a safety concern (Fisher, Daigle, Cullen, & Turner, 2003; Wolitzky-Taylor et al., 2011). Fewer than five percent of victims reported to the police, but they did often tell others, including friends (Fisher et al., 2000). University administrators must remain abreast of this important detail and not rely on numbers from reported incidents as an indicator of the need for resources. While students did not report sexual victimization to law enforcement or campus authorities, they may not have a chance to be informed of and to access campus and community resources (Wolitzky-Taylor et al., 2011).

Sable, Danis, Mauzy, and Gallagher (2006) studied barriers to reporting sexual assault that college students faced. Sable et al. (2006) "findings would suggest that dilemmas inherent prior to the rape movement remain, despite rape reform research and legislation" (p. 160). The barriers present in the 1970s prior to the rape reform movement were considered important based on the findings of the study (Sable et al., 2006). There were many reasons that students did not report their victimization.

Common reasons for not reporting were similar and consistent across multiple studies (Fisher et al., 2000; Sable et al., 2006; Thompson, Sitterle, Clay, & Kingree, 2007; Wolitzky-Taylor et al., 2011). Fisher et al. (2000) found that the most common reasons for not reporting to the police included: (a) not wanting family and others to

know, (b) lack of proof that the incident happened, (c) fear of being treated hostilely by police and other parts of the judicial system, (d) not sure if a crime has occurred, (f) not knowing how to report and (g) worry that the police would not think that the incident was serious enough.

Sable et al. (2006) studied both male and female college students and 13 significant barriers for females and 14 significant barriers for males. In this same study, the authors found that for some of the barriers, the importance was given greater significance based on the gender of the victim. The 13 barriers identified for both genders included: (a) shame, (b) guilt, (c) embarrassment, (d) fear of retaliation or not being believed, (e) confidentiality concerns, (f) financial dependence on the perpetrator, (g) disbelief in successful prosecution, (h) unaware of importance of treatment, (i) lack of knowledge about how to get help, (j) lack of available resources, (k) dislike or distrust of police and judicial system, and (l) cultural and language barriers. In addition to these 13 barriers, fear of being judged gay was a barrier for male Thompson et al. (2007) found that college women did not report for seven reasons. These included thinking it would be viewed as their fault, that the police could not do anything, or that their experience was not serious enough; scared of the offender; shame and embarrassment; did not want anyone to know; did not want police involved; and did not want the offender to get in trouble (Thompson et al., 2007) .

Fisher et al. (2003) acknowledged that previous studies identified barriers to reporting of sexual violence, but Fisher's et al. study extended research related to reporting sexual violence by identifying incidents in which a victim was more likely to

report. The authors reported that sexual victimization was more likely to be reported to the police when a weapon is involved, if the incident involved a stranger, or when the incident occurred on campus property, not including living spaces (Fisher et al., 2003).

### **Impact of Sexual Violence on College Students and Their Support Systems**

The impact of sexual violence is not limited to the victims' experiences at the time of occurrence, but sexual violence can have greater effects on the person's life as well as those who are trying to be a support person to the victim. Individuals who experienced sexual violence often had short term consequences including physical injury, increased arousal, guilt, shame, anger, fear, decreased self-esteem, and symptoms of anxiety and depression (Burgess & Holstrom, 1979; Kress, Trippany, & Nolan, 2003). College women who experienced unwanted sexual contact experienced negative cognitions such as negative assumptions or negative schema about self and the world around them (Thompson & Kingree, 2010). Longer term effects included problems in interpersonal relationships, poor physical health, and possible development of mood disorders, eating disorders, posttraumatic stress disorder, and substance abuse (Burgess & Holstrom, 1979; Kress et al., 2003; Ullman & Filipas, 2001; Zinzow et al., 2011). A traumatic experience such as sexual assault can potentially have a negative impact on an adolescent's understanding of love, sex, and relationships, and therefore negatively impact later adult behaviors (Kaltman, Krupnick, Stockton, Hooper, & Green, 2005). Zinzow et al. (2011) found that those who experience repeated victimizations are at increased risk of reporting poor physical health.

The literature reviewed in this chapter has demonstrated that students often do not reported their experiences to the police, but, researchers have demonstrated that they reported their experiences to others, including close friends (Banyard, Moynihan, Walsh, Cohn, & Ward, 2010; Fisher et al., 2003; Littleton, 2010). Disclosure to friends has multiple implications for colleges and universities. First, negative disclosure responses by others could lead to a victim experiencing an increase in negative reactions, increased maladaptive coping, and not accessing resources and services (Banyard et al., 2010; Fisher et al., 2003; Littleton, 2010; Ullman, 1996). Secondly, when a student receives information about a friend's victimization, they may have negative reactions and feelings and need education on how to manage and cope with the knowledge of trauma (Banyard et al., 2010). Walsh, Banyard, Moynihan, Ward, and Cohn (2010) reported that campuses needed to ensure that all students know what resources were available and how to access them.

### **A Call to Action**

According to the Dear Colleague Letter, colleges and universities have a responsibility to act and the letter provides clarity on how to do so. It is imperative that they step up. As of May 1, 2014, there are 55 “higher education institutions under investigation for possible violations of federal law over the handling of sexual violence and sexual harassment complaints” (U.S. Department of Education, 2014).

In January 2014, the White House Council on Women and Girls and the Office of the Vice President issued a call to action regarding rape and sexual assault and stated that sexual violence in higher education on college campuses is of particular concern. The

White House Council on Women and Girls and Office of the Vice President report (2014) stated:

...women at our nation's colleges and universities are at particular risk of being sexually assaulted. To make our campuses safer, change needs to come from many quarters: schools must adopt better policies and practices to prevent these crimes and to more effectively respond when they happen – both by holding offenders accountable and giving victims the help they need to physically and emotionally recover. And federal agencies must better ensure that schools are living up to their obligations (p. 33).

Bolger and Brodsky (2013) stated that students are empowering and educating each other about Title IX rights through a campaign started by a few survivor activists who wanted to make help students to “be able to stand up for themselves during the reporting process, and if necessary, expose school's failures through activist interventions and legal complaints” (para. 7). These ground-roots activists stated that “in response, schools will have to shape up by changing their approach to reported violence and taking more proactive steps to stop abuse before it ever occurs” (Bolger & Brodsky, 2013, para. 7). What started as an underground, online activists network was re-launched in April 2013 as a national campaign called KNOW YOUR IX (Bolger & Brodsky, 2013). The purpose of the campaign is to “educate all college students in the U.S. about their rights under Title IX” (<http://knowyourix.org/>). The use of an informative website is a primary means of educating and empowering students

### **Theoretical Framework**



The Dear Colleague Letter on sexual violence, as dispersed in April 2011 by the United States Department of Education's Office of Civil Rights, was a call to action on the part of the nation's universities. It provides guidance and clarifications to educational programs on the need to respond to, provide prevention education, and to have a system for remedies and enforcement as it relates to sexual harassment and sexual violence. It is important that this issue be addressed. As stated in the Dear Colleague Letter (2011), sexual harassment and sexual violence can "create a hostile environment that interferes with or limits a student's ability to participate in or benefit from the school's program" (p. 3).

This study explores how one institution responded to the guidance and clarifications offered by the Dear Colleague Letter. The theoretical framework used to guide the study is Environmental Theory. Strange and Banning (2001) emphasize that it is important for educators to understand how the environment will maximize learning. Educators are also in a position to better understand the environment and "will be positioned to eliminate those features of the institutions that are needlessly stressful or inhibiting, and ultimately, to create those features that will challenge students toward active learning, growth, and development" (Strange & Banning, 2001, p. 4) These assertions are consistent with the Dear Colleague Letter and the Office of Civil Rights belief that it is imperative that students be in an educational atmosphere that is free from harassment and discrimination.

According to Strange and Banning (2001), the four key components of human environments include: (a) the physical layout, (b) the characteristics of the people, (c) the

organizational and structural components, and (d) the perceptions or constructed experiences. The physical environment includes the layout of the campus and how this supports use of facilities and services (Strange & Banning, 2001). Depending on the location of offices and ease of access, a student's decision to report an experience of sexual violence can be positively or negatively impacted. The geographical space between facilities can also affect the use of multiple services, such as legal, judicial, medical, and counseling services. The physical environment also includes signage and design for buildings and the campus structures. These parts of the environment can send nonverbal messages that may not be consistent with the messages that campus administrators are verbally articulating and the nonverbal messages are often seen as the truth by students (Strange & Banning, 2001). This description of environments is consistent with Moos's (1973) previous assertion that behavior can be directly influenced by physical context, including architecture, physical design, and patterns.

Campus artifacts also send strong messages, including messages about campus culture (Strange & Banning, 2001). Strange and Banning (2001) reported that the most common types of artifacts are signs and symbols, art work or posters, graffiti, and specific physical structures. As it relates to sexual harassment and sexual violence, Strange and Banning (2001) identified artifacts that can send messages about gender, including the active and passive roles of males and females. There are also messages of safety and efforts to create a physically safe environment.

The second key component described in Environmental Theory is the human aggregate. The characteristics of people directly impact the characteristics of the

environment and how people interface with the environment (Strange & Banning, 2001). Students, with their varied orientations, personality types, and learning styles, create an environment with multiple subcultures (Strange & Banning, 2001). Therefore, Strange and Banning (2001) discussed the importance of assessing in order to gain understanding of the collective characteristics of a particular campus environment. Understanding the campus constituency is useful to determine how to present required programming in order to effectively reach the entire campus population. There are numerous factors that potentially impact the occurrence of sexual violence on campus as well as factors that may impact reporting and use of campus resources. To know the campus population allows these issues to be addressed.

Clark and Trow (1966) previously reported on the human aggregate on college campuses. Clark and Trow (1966) provided an influential model of subcultures within college student populations. The subcultures are based on how much or how little students identify with the institution as well as their level of involvement with campus ideas. The differing subcultures identified by Clark and Trow (1966) are (a) the Collegiate, (b) the Vocational, (c) the Academic, and (d) the Nonconformist subcultures.

The Collegiate subculture includes students who are highly involved in student life and activities, achieve academically in order to stay involved, but have low regard for campus ideas and issues (Clark & Trow, 1966). The Vocational subculture often are students who view college as a means to achieve a better job and are not typically involved with campus activities and are not concerned with campus ideas (Clark and Trow, 1966). The Academic subculture includes students who are highly interested in the

ideas of the institution and academic achievement (Clark & Trow, 1966). Members of the Nonconformist subculture are intellectual as those in the Academic subculture, but are often concerned with ideas that are outside of the university and are typically viewed as detached and alienated from the faculty and administration (Clark & Trow, 1966). Clark and Trow (1966) ultimately acknowledge highlight that students are impacted by society and organizational forces.

The organizational environment, the third component, determines what patterns and structures are in place to achieve specific goals of the institution (Strange & Banning, 2001). The organizational environment includes the formalized rules and regulations for campus (Strange & Banning, 2001). As campuses seek to eliminate campus sexual violence and to provide support to individuals when it occurs, it is important to have well-defined policies and protocols. These processes provide information on behaviors as well as procedures for reporting a grievance when the policies are violated.

Much earlier than Strange and Banning, Hage and Aiken (1970) described organizations as created and planned to accomplish specific objectives. They purported that organizations include emphasis on getting a job done, characteristics for specific objectives, charts that specify relationships between jobs within the organization, rules for specific duties that are outlined in manuals, and defined policies and procedures. Hage and Aiken (1970) clarified that differences between collective sociological positions and the psychological individual interests and motives can create problems within an organization.

The Dear Colleague Letter (2011) stresses that institutions must not only have specific policies and procedures in place, it also states that the institution is also responsible for disseminating the information widely and for providing training to identified populations. Strange and Banning (2001) discuss the value of productivity and efficiency in an organization. To have an environment that is free of hostility could lead to increased productivity and efficiency for students, faculty, staff, and campus visitors. There is also the opportunity for increased morale, which is Strange and Banning (2001) also identify as important for the human aggregate.

The final and fourth portion of Environmental Theory as described by Strange and Banning (2001) is constructed environments. The term constructed environments refers to the notion that the environment is socially constructed, and it is the perception of the environment that influences behaviors (Strange & Banning, 2001). Perception can be influenced by many factors, including environmental factors, college characteristics, and college climate and culture (Strange & Banning, 2001). Strange and Banning's (2001) description of perception is consistent with the earlier works of Pace and Stern (1958) and Stern (1970) that described how psychological needs and the environmental can create disparity between what is occurring and what the participant perceives to be occurring. As educators and administrators provide training and equip the campus to address the national epidemic of sexual violence in higher education, these multifaceted issues must be considered. A campus assessment to understand the status of an individual campus or to personalize the implementation of Title IX and the Dear Colleague Letter may be necessary to help ensure that the desired outcomes are achieved.

As it relates to campus culture, Strange and Banning (2001) discussed Kuh and Hall's assumptions of how members' beliefs define their roles, their relationships with others, and their perceptions of the environment. Understanding these facets can help to close the gap between what administrators are trying to achieve and the ensuing behaviors (Strange & Banning, 2001). Strange and Banning (2001) continued by recommending qualitative inquiry as a means to understand the campus environment from a cultural perspective. According to Strange and Banning (2001), "participants perceptions and understandings of campus organizational culture are an important source of information for designing responsive educational environments, and educators must be particularly sensitive to any discrepancies between their views of the institution and those of students" (p. 105).

Beyond describing the four key components of Environmental Theory, Strange and Banning (2001) continued by offering how these perspectives are important to creating successful environments that foster educational success. They identify three critical areas that support educational success. These three areas are: (a) environmental safety and inclusion, (b) structures for involvement, and (c) conditions of community. Specific to this study, the promotion of environmental safety and inclusion is vital and directly relates to creating a campus environment that is free from hostility and decreases the harm created by sexual harassment and sexual violence. Strange and Banning (2001) specifically identify federal legislation, including Title IX of the Educational Amendments Act of 1972, which support an environment of inclusion. The Dear Colleague Letter of 2011 is guidance on how this legislation can be implemented in an

effective manner. Strange and Banning (2001) referenced the high prevalence of sexual violence on college campuses as factors that make it difficult to foster learning and development. This mention to prevalence is consistent with the 2011 Dear Colleague Letter's reference to the continued prevalence of sexual violence and the need for institutions to take immediate and effective steps to remedy it. As it relates to the physical environment, Strange and Banning (2001) encouraged campuses to identify design issues that may contribute to high risk behaviors or negatively impact prevention efforts.

Strange and Banning (2001) stated that individuals who feel dominant on campus tend to feel safer and more included. Inversely, those with differing characteristics may feel more at risk. The authors further stated that human aggregates "may contribute indirectly to campus violence" (p. 122). Campuses must address the challenge of creating an environment of safety and inclusion.

Organizational size and mission can directly impact the sense of safety, security, and inclusion (Strange & Banning, 2001). The size of the institution, particularly larger institutions, can contribute to a loss of identity and individuals not feeling included. The loss of identity can negatively contribute to antisocial behaviors (Strange & Banning, 2001). The mission of the organization needs to be inclusive of all members of the campus environment and the diversity that is present on campus (Strange & Banning, 2001).

An individual's sense of mattering and validation directly impact psychological safety and inclusion (Strange & Banning, 2001). This psychological safety can impact

involvement with campus activities, use of resources, and student success (Strange & Banning, 2001). Strange and Banning (2001) further stated that “issues of safety and inclusion are complex and require a variety of institutional responses to succeed in creating conditions that promote a sense of belonging and security” (p. 130). They then offer strategies to assess how the campus is doing in regards to the physical environment as well as discussing Beeler, Bellandese, and Wiggins (1991) framework of initiatives. These initiatives include: (a) services offered, (b) educational and support programs, (c) planning and policy information, (d) environmental and technical modifications, and (e) community action.

The essence and importance of these efforts can be understood by a quotation cited by Strange and Banning (2001). They stated, “Women’s safety is affected not only by the physical design of spaces but also by a variety of other design factors such as policies, practices and services. Universities and colleges must examine environments that encourage a climate of sexual exploitation and must challenge social values, attitudes and practices that are prejudicial to women” (Council of Ontario Universities, as cited by Strange & Banning, 2001, p. 134). As indicated by the Dear Colleague Letter (2011), since the inception of Title IX, campus violence has continued to be a problem. In their discussion of Environmental Theory, Strange and Banning (2001) offered important insight into this phenomenon and validate the importance of proper implementation of the guidance and clarifications provided by the Dear Colleague Letter (2011). These authors stated that, “although identification of problems associated with campus safety and



inclusion is rather straightforward, implementing solutions is a much greater challenge” (Strange & Banning, 2001, p. 135).

Environmental Theory includes understanding the components of the higher education institution. With understanding, necessary change can be implemented as needed. This study is guided by Environmental Theory to understand how implementation of the Dear Colleague Letter on sexual violence has impacted this institution, its administrators, and the campus environment.

## CHAPTER THREE

### METHODOLOGY

#### **Introduction**

As discussed in previous chapters, sexual violence is a problem on college campuses. In 2011, the Department of Education's Office of Civil Rights issued the Dear Colleague Letter on sexual violence (DCL) that highlighted the concern about this issue and charged campuses with meeting the needs of students who are victimized as well as creating a non-hostile campus environment. Since the letter was released, there has been little research dedicated to university response. This chapter provides details about the methodology used to answer the guiding research question. The chapter presents the research design, research question, case selection, data sources, participant selection, researcher's role, data collection, and data analysis.

#### **Research Design**

A case study design was selected for this study because this design typically creates a highly descriptive product and is used to gain in-depth understanding of a situation (Merriam, 1998). Case study designs often give access to knowledge or a situation that a researcher normally does not have access to (Merriam, 1998). The case study design allows for insights, discovery, and interpretation (Merriam, 1998), which supported the nature of this study. Yin (1984) describes research questions that utilize "how" as explanatory and recommends case study design for the research.

### **Research Question**

The researcher conducted this study to answer the guiding research question: How are university administrators responding to the guidance and clarification provided in the 2011 Dear Colleague Letter on sexual violence?

### **Case Selection**

The researcher used purposive sampling to select an institution that is known nationally for their efforts with implementation of the guidance and clarifications provided in the Dear Colleague Letter on sexual violence. The researcher conducted the study at a private, highly selective, liberal arts university in the southeast. The campus is situated less than ten miles from a major metropolitan area. It was founded in the early 1800s as a men's college. The university has a president and is governed by a board of trustees. The university offers undergraduate, master's, and law degrees, and the total university enrollment is 4,140 students and 318 full-time undergraduate faculty. The student body is 46% males and 54% females. The racial diversity of the student population includes 59% whites, 7% black or African-American, 6% Asian, 5% Hispanic/Latino, 2% identified as being two or more races, and 10% did not define their race.

The researcher selected this institution based on accessibility and the efforts of the two Deputy Title IX Coordinators. One of the researcher's dissertation committee members was familiar with the work that the two Deputy Title IX Coordinators did at the institution through their presentation at a national conference as well as their consultation work with other universities. She was able to facilitate access to them via email contact.

The Deputy Title IX Coordinators were willing participants. As institutions of higher education work to follow the guidance of the DCL, these two individuals implemented what they describe as model actions on their campus and have started to provide trainings to many other institutions across the country. The coordinators and their institution were willing to be a part of the study and share their experiences with others. According to Merriam (1998), the case study design can lead to information that can suggest to others what to do or not do in a situation, provide explanation of differences of opinion on a situation, and give insight on what worked or did not work in a situation. The results of this case study may offer direction to other institutions who are working to effectively implement the DCL.

### **Data Sources**

The researcher utilized three sources of instrumentation for data collection. The use of multiple sources of information was used to add to the trustworthiness of the study and as a means to corroborate information gathered through interviews and observations (Glesne, 2006). The three sources were: (a) interviews, (b) observations, and (c) document review.

### **Interviews**

The researcher scheduled face-to-face interviews with all of the participants identified in the Participant Selection section. One participant had a family medical emergency at the time of her scheduled interview, and due to travel restrictions and scheduling issues, that interview was conducted via telephone almost two weeks after the other participants' face-to-face interviews. The interviews provided information about

each administrator's response and actions following the receipt of the 2011 Dear Colleague Letter on sexual violence.

The interviews served as a primary source of data. Interviews allow a researcher to gather information that cannot be directly observed due to the passage of time or because it involves people's thoughts, behaviors, feelings or interpretation of the world around them (Creswell, 2003; Merriam, 1998; Patton, 2002). According to Patton (2002), "the purpose of interviewing, then, is to allow us to enter into the other person's perspective" (p. 341).

The researcher used a semi-structured interview protocol (Appendix F). Semi-structured interviews are useful because they are open-ended and less structured; allow the participant to define the world in unique ways; allow the researcher to respond to emergent or new information; and they are guided by the issues (Merriam, 1998). For this study, issues surrounding sexual violence at the site institution and the impacts of implementation of the Dear Colleague Letter were considered. This type of interview was appropriate for this study because as discussed earlier, the information that the research question targets is a new field of study. Semi-structured interviews allowed for the unknown and unanticipated to emerge and be addressed in the study. The interview protocol questions for this study inquired about each participant's roles in implementing the guidance in the 2011 Dear Colleague Letter on sexual violence (DCL). The questions were developed based on the major categories of the DCL, including: (a) response to reports of sexual violence incidents, (b) policy development, (c) information dissemination, (d) enforcement, (e) prevention education, and (f) training.

## **Observations**

As discussed in the theoretical framework in Chapter Two, the physical environment directly affects campus constituents. Direct observation of the physical environment allowed the researcher to understand plans in context, to understand space allocation, to identify purpose of spaces, and to view physical attributes that could contribute to anticipated behaviors (Merriam, 1998). All of these physical attributes are a part of environmental theory and educational design (Strange & Banning, 2001). These areas reviewed provided insight into how the institution went beyond written policies and procedures and abstract efforts to implement the guidance of the DCL.

## **Document Review**

Finally, the researcher used document review as an instrument. The documents reviewed were brochures, PowerPoint slides from training presentations, policies and procedures, student health center documents, police department documents, campus publications, and the university website content. Documents are useful in qualitative research because they provide more descriptive information, they incorporate historical information, and they are a means to tracking change and development (Glesne, 2006; Merriam, 1998; Patton, 2002). Documents are a source of information that participants have often given considerable attention to and gathering it can be unobtrusive (Creswell, 2003). Direct observations and document review were secondary sources of data. See Appendix G for a table of data sources.

## **Participant Selection**

Implementation of the Dear Colleague Letter on sexual violence (DCL) requires a multi-faceted approach among various campus administrators. The researcher used purposeful sampling to identify the participants, and the researcher utilized purposive sampling to select participants that the researcher can learn the most from (Merriam, 1998). To get information that will best help the researcher to understand the problem or question, purposefully selecting the participants is recommended (Creswell, 2003). For this study, the researcher wanted to know more about how the university administrators' response to the release of the Dear Colleague Letter on sexual violence and to know more about the actions they took to implement. The participants were the two Deputy Title IX Coordinators who also serve as Associate Deans of their respective coordinate colleges, the Associate Dean for Residence Life at the Women's Coordinate College who also oversees Student Conduct services, the Police Chief, and the Student Health Services Director. The researcher selected these individuals because their positions directly relate to positions and resources identified in some capacity in the Dear Colleague Letter. Also, their professional positions allow them to be personally involved in the implementation of the guidance in the DCL on a regular, possibly daily, basis. In their managerial positions, they are not only a part of implementation of the DCL guidance, but they serve in decision-making and policy development capacities. These positions also have influence over lower level positions and how the DCL is implemented in their respective areas.

All of the participants included in the study serve in administrative positions at Given University. Given University is a coordinate system college located in the

southeastern part of the United States. As a coordinate college system, Given University has complementary men and women's colleges. There are separate residential areas with gender-based learning communities. Despite the two distinct colleges, it all falls under the Given University umbrella and students do attend classes together, share a dining hall, have co-ed organizations, and share various parts of the campus. It is a highly residential college with over 90% of the students residing in on campus housing all four years of their academic careers. The participants are part of the essential personnel who are developing and implementing policies and procedures related to sexual harassment and sexual violence. The release of the 2011 Dear Colleague Letter on sexual violence (DCL) also prompted their involvement with meeting the guidance and recommendations of the letter. In their professional capacities, each of the participants is consistently involved in services related to sexual harassment and sexual violence. All serve as resources to the students at the university. A narrative of each participant follows. The participant and university names are all pseudonyms. See Appendix E for a table with participant profiles.

Gregory is the Associate Dean of the Men's Coordinate College. After the release of the DCL, the University President appointed him as a Deputy Title IX Coordinator. This role was added to his existing duties as Associate Dean for the Men's Coordinate College and as the Substance Abuse Educator for campus. With 22 years of professional higher education experience, he has spent the majority at Given University, where he has worked for 15 years.



Joan is the Associate Dean for the Women's Coordinate College. The University President appointed her as a Deputy Title IX Coordinator following the release of the DCL. She has been a professional in higher education for 13 years and for 10.5 of these years she worked at Given University. Joan has many responsibilities as Associate Dean, but explained that much of her role has been to serve as an advocate for students.

Christopher is the Associate Vice President of Public Safety and Chief of Police at Given University. He has worked at the university for three years and prior to that served in urban policing for thirty years. In addition to law enforcement, he also oversees emergency management, environmental health, and risk management services for the campus. As a law enforcement officer, he investigates all reported crimes, including crimes related to sexual violence.

Felicia is the Associate Dean for Residence Life for the Women's Coordinate College. Of her nine years of full time higher education work experience, eight have been at Given University. A primary responsibility for Felicia is serving as the Women's Coordinate College student conduct officer. In her interview, she noted that this role is not reflected in her job title and she is working to add this position to her title. As the sole student conduct officer for the Women's Coordinate College, she hears all reported cases that may be a violation of the university's student code of conduct, including cases related to sexual harassment and sexual violence.

Leigh is the Medical Director for the Student Health Center located on campus. She has worked in higher education for over 23 years, all at Given University. Leigh is an administrator, but clarifies that an important part of her position is as a clinician

providing direct services to students. As a medical provider, she interacts with students who are seeking a variety of services, including medical services following a sexual victimization.

Due to their professional positions on campus, the participants were used to addressing sexual violence and its impact, so the release of the Dear Colleague Letter on sexual violence (DCL) did not create a completely new professional experience for them. With the exception of Christopher, who was newly hired as a higher education professional at the time the DCL was released; all participants had significant higher education experience and substantial years of service at Given University. All were already addressing campus sexual harassment and sexual violence issues in their positions. Though Christopher was not in a higher education position, his previous employment did afford him opportunities to deal with victims and perpetrators of sexual violence.

### **Role of the Researcher**

In qualitative research, the researcher is the primary instrument (Creswell, 2003; Merriam, 1998). In 2002, shortly before attaining my Master of Education in Community and Agency Counseling, I started working as a program director and a sexual trauma counselor at a community rape crisis center. Through this experience I had the opportunity to collaborate with institutions of higher education. After three years of working in this setting, when a position became available, I was hired as a program coordinator and licensed professional counselor at an institution of higher education. My interest in providing prevention services and educating on risk reduction has grown

throughout these twelve years of service. I have a particular interest in working with college students.

I am the chairperson for my university's sexual violence task force and also serve as coordinator of a relationship and sexual violence services program on campus. These roles, in addition to serving as a mental health provider to victims of sexual violence, place me in a position to directly influence how the DCL is implemented at the institution where I am a staff member and a doctoral student. This role is helpful to the research process because I have an in-depth knowledge of Title IX, the DCL, and sexual trauma. This knowledge comes from trainings, research, and practical experience, and this knowledge provides me an opportunity for familiarity that can aid the research process, but researcher bias can be a hindrance (Creswell, 2003; Merriam, 1998). However, as I completed the research study it was important not to develop bias about the efforts of the study institution. It was also important not to positively or negatively compare the efforts at the two institutions.

My professional role and my familiarity with the Dear Colleague Letter on sexual violence and its meaning for higher education administrators seemed to provide credibility with the participants. The participants seemed relaxed when talking to me and more than one referenced the researcher's knowledge on a particular topic, even when it was to something I directly shared with them. Overall, these possible strengths and challenges as the researcher were important and as the researcher, I had to follow my protocol and not make assumptions during data collection.

### **Data Collection**

After receiving approvals from the IRB Offices at the researcher's home institution and the site institution, emails were sent to eight university administrators. See Appendices A – D for the approvals and the recruitment emails. Of the eight university administrators recruited, five responded and agreed to participate, one responded and declined participation, and two did not respond. With the five who were willing to participate, the essential areas of administration for the study were represented and the study moved forward.

## **Interviews**

As discussed above, the researcher scheduled face-to-face interviews with all of the participants. One participant, Leigh, had a family medical emergency at the time of her scheduled face-to-face interview and could not meet with the researcher, but she agreed to schedule a telephone interview. See Appendix F for semi-structured interview protocol. Due to travel restrictions and scheduling issues this interview was conducted via telephone almost two weeks after the other participants' face-to-face interviews.

For the face-to-face interviews, the researcher met participants in their campus office. The interview for the fifth participant, Leigh, occurred via telephone. On the date that the on-site interview was scheduled to take place with this participant, Leigh did arrange for the researcher to visit her office area and one of the staff members provided a tour.

Each interview lasted between 32 and 42 minutes. Prior to the start of each interview, the researcher informed each participant that participation is voluntary, that the participant can choose to stop the interview at any point, and that the participant can stop

taking part in the study at any point. The researcher informed participants that there was no foreseeable risk with participating in the study, but that their participation might contribute to the field of study related to implementation of the Dear Colleague Letter and sexual violence in higher education.

The researcher informed participants that the interviews were being recorded and transcribed, but that pseudonyms would be used to keep their identity confidential. Participants were also told that the researcher planned to use a paid transcription service. For this paid transcriptionist, she also signed a confidentiality statement.

Interviews were shared with the transcriptionist through a secure Dropbox account. After the interviews were transcribed, the researcher sent copies of the transcripts to participants via email for member checking. Member checking is important as it allows for accurate description of the thoughts of participants (Glesne, 2006; Stake, 1995). The researcher made follow-up contact via electronic communication to get feedback from participants about interview content. All responded to the transcription emails. Two of the participants did make some corrections and clarifications to their transcripts and the changes were incorporated into the data. Christopher clarified the names of some organizations and government reports that he referenced in his interview. He also made grammatical changes. Leigh clarified the position for one of her staff members.

### **Observations**

The researcher engaged in observation of the physical campus environment. On the day prior to meeting with campus administrators, the researcher took a solo tour of

campus during an early afternoon walk and another walk during the late evening, after dark. The walks were to observe the campus environment and to identify artifacts of relevance to the study. The following day, the researcher was able to visit each participant's campus office to complete interviews. The researcher was given a walking tour of campus by Gregory, one of the Deputy Title IX Coordinators, to identify relevant spaces on campus. He was the first interview of the day and the tour was after his interview and prior to meeting with other university administrators. The spaces that he noted during the tour included the men's and women's college areas, offices that are on the referral and resource lists, and common areas where students typically gather. Some of the common areas included the dining hall, the student activities building, and a gathering space near a pond on campus. Field notes were kept throughout this process.

### **Document Review**

During the visit to campus, the researcher gathered various brochures, cards, and forms that were accessible on campus to the public. The researcher also requested that the participants provide documents that they referenced in their interviews. These included a joint business card used by the Deputy Title IX Coordinators, portions of a training PowerPoint, a letter sent to students by the Deans in regards to sexual violence, a police informational packets, and screening forms used by the Student Health Center. The participants provided the requested documents to the researcher for review.

The researcher requested to review policies, including the non-discrimination statement and grievance procedures. Participants referred me to the university's website to retrieve these items. The website has a newly created Sexual Misconduct page with

links to all related information and documents. The documents were secondary data used to corroborate information gathered in the interviews.

The researcher did not have access to earlier versions of policy documents for review. Many of the participants acknowledged that the current policies are new or drastically different from any prior documents. Several of the brochures that related to safety planning and risk reduction were used prior to the Dear Colleague Letter and remain relevant and in use. Given University administrators created a new joint business card for the two Deputy Title IX Coordinators. The police department has informational packets to disperse and the Student Health Center added new content to some of their screening forms. The letter that the Dean of Students sends each year is a newly created form of information dissemination that has started since the Dear Colleague Letter on sexual violence. All of these newly created documents and content items contain information specific to Title IX, including identifying the names and contact information for the Deputy Title IX Coordinators, sexual harassment and sexual violence related definitions, and on and off campus referral and resource options.

### **Data Analysis**

The researcher completed data analysis throughout the research study to facilitate the emergent nature of qualitative research. Completing data analysis simultaneously with data collection is recommended in qualitative research to help with how the study proceeds (Creswell, 2003; Glesne, 2006). The researcher reviewed the transcripts and reviewed the field notes from observations, reviewed the documents that were provided, and reviewed the Given University website. All of the data are sources of information

that can be included in the coding process (Saldaña, 2013). Throughout this analytic process, clusters of ideas started to emerge that were organized into codes (Creswell, 2003). Coding is a cyclical process that links data to a concept or a central idea (Glesne, 2006; Saldaña, 2013).

The researcher collected and coded all data. The interviewer chose to code by hand rather than to use coding software. This allowed the researcher to be fully familiar with the data.

The researcher used an Initial Coding process. Initial Coding is an opportunity for a “researcher to reflect deeply on the contents and nuances of [the] data and to begin taking ownership of them” (Saldaña, 2013, p. 100). This process was done by printing all of the transcripts and making initial notes and documenting thoughts in the margins while reading them. These notes were helpful to think about patterns, to identify codes, and to consider how observations and documents corroborated the interview content. The researcher included reflections and notes about documents and observations field notes. The researcher then used highlighters to note statements and common content that was emerging through all transcripts. The researcher then developed a list of codes. Many of the codes had similar meanings. These codes were further analyzed and reduced, and emergent themes identified.

Next, the researcher engaged in the method of coding referred to as Structural Coding to review the participant interviews. Saldaña (2013) described Structural Coding as “content-based or conceptual phrase representing a topic or inquiry to a segment of data that relates to a specific research question used to frame to the interview” (p. 84). It



is also useful for semi-structured protocols (Saldaña, 2013). The researcher read through each interview multiple times in an effort to identify common themes to the answers that each participant provided about their responses to the Dear Colleague Letter. Finally, In Vivo Coding was used for data analysis to allow the authentic voice of the participants to be included. In Vivo Coding utilizes the words and phrases of the participants (Saldaña, 2013). The researcher used these statements as narratives and descriptors of the themes that emerged from the data. See Appendix H for a sample of the codes that were identified during the coding process.

The researcher categorized these codes and used them to identify major themes of the findings. Identifying codes and themes helped to give a deeper understanding of the data that allows for interpretation and contributions to the field of study (Creswell, 2003; Glesne, 2006; Saldaña, 2013). Codes address theoretical perspectives of the research (Creswell, 2003; Saldaña, 2013). For this study, the researcher assessed the themes that emerged in the context of the administrators' reactions and response to the Dear Colleague Letter on sexual violence. The codes and themes were also considered in the context of the theoretical framework provided by Environmental Theory as discussed in Chapter Two. See Appendix I for a table of sample codes and themes.

The researcher used multiple data sources to triangulate the data and increase validity to the study (Glesne, 2006; Merriam, 1998; Patton, 2002). The constant comparative method is a method for data analysis that allows ideas to emerge and for theory to be developed (Merriam, 1998). For this study, the researcher utilized constant comparative strategies to analyze the actions of the participants compared to the guidance

and clarification of the 2011 Dear Colleague Letter on sexual violence (DCL) and to consider in the context of Environmental Theory. For this study, direct observations of the campus environment and review of documents allowed the researcher to see if what the administrators stated they are doing in response to the DCL is actually being implemented. It also allowed the researcher to assess the environment. The interviews with participants served as primary data and the observations and documents are secondary data. After analyzing the data, a narrative report of finding follows in Chapter Four and discussion according to theory is in Chapter Five.

### **Summary**

For this study, the researcher used the case study design to study an emerging issue related to response to sexual violence in higher education. The institution that served as the case for the study was selected using purposeful sampling and allowed for in-depth study. The researcher completed data collection using face-to-face interviews, a phone interview, observations, and document review. The researcher analyzed the data by identifying codes and themes to further understand the issue of university administrators' response to the 2011 Dear Colleague Letter on sexual violence. The results of the data analysis are presented in the following chapter.

## CHAPTER FOUR

### FINDINGS

#### **Introduction**

This study was conducted to learn more about one university's response to the 2011 Dear Colleague Letter on sexual violence. Specifically, the researcher used a case study method to determine how university administrators responded after the release of this letter. The guiding research question was: How are university administrators responding to the guidance and clarification provided in the 2011 Dear Colleague Letter on sexual violence?

This chapter reports the findings from the study. The chapter starts with a discussion of how the administrators are responding to the guidance and requirements in the Dear Colleague Letter, including initial administrator responses, designating a Title IX Coordinator, developing and disseminating policies and procedural information, reporting and investigations, and providing training and education on campus. Next, there is a discussion of the themes that emerged from the participant interviews. The emergent themes are change, collaboration, support, and human and financial capital. See Appendix I for themes.

#### **Responses to the Dear Colleague Letter**

The 2011 Dear Colleague Letter on sexual violence (DCL) explains response and procedural requirements related to sexual harassment and sexual violence. This includes identifying a Title IX Coordinator and Deputy Title IX Coordinators as needed. This also includes development of appropriate policies and procedures and working to widely

disseminate this information so that the campus community is aware. These measures help to ensure compliance with Title IX.

The DCL also provides recommendations on prevention and educational programming. This recommendation includes “discussion of what constitutes sexual harassment and sexual violence, the school’s policies and disciplinary procedures, and the consequences of violating these policies” (DCL, 2011, p. 15). The DCL (2011) recommends that the educational programming also encourage students to report incidents of sexual violence to the appropriate authorities.

Finally, the DCL (2011) informs schools of the obligation to work to remedy the impact of sexual harassment and sexual violence and to promptly and effectively respond when a report or complaint of sexual harassment or sexual violence is received. The following sections will share examples of how administrators at Given University have responded to the guidance and clarifications in the Dear Colleague Letter on sexual violence.

**Initial Responses: “What does this mean for our policies and our students?”**

All of the participants discussed the university’s swift response to the DCL. The participants stated that discussion about the letter started immediately and actions came soon afterward. In his interview, Gregory stated that he was aware of the letter almost immediately after its release in April 2011. He stated that he did not know how it was going to impact him until August 2011 when he was appointed by the President as one of the Deputy Title IX Coordinators. Joan discussed being included in a lot of conversations about the letter from the beginning because she had previously done so much work with

female students who experienced sexual victimization. She stated the initial conversations at the university included “What are we going to do? What does this mean for our policies and for our students?”

Christopher started working at Given University from urban policing in March 2011. He stated the way that sexual violence was targeted was different from his previous experiences. He acknowledged that his university responded well. In his interview, he discussed his reactions to the general response he heard from other higher education law enforcement officials. He stated:

I found it interesting because the Clery laws and all those applicable laws have been around for a long time. It was mind-boggling to me that this seemed to be new material for individuals. I couldn’t understand that aspect of it. As I looked around, my colleagues in my profession across the country and came to the belief that we’re our own worst enemies, we tend to shoot ourselves in the foot. So this reaffirmation, this letter, this OCR letter of Do this, or else! or Why haven’t you been doing it? [is what] was surprising to me that. Well, pretty simple. Why haven’t we been doing this? I will say that the letter did change the dynamic.

In the interview with Felicia, she stated that she found out about the letter from a colleague at another institution that her colleague told her that it would change their work forever. Felicia stated after she received the link and went to the Department of Education website to learn more, her response was, “Wow, this is really going to change the way we approach working with our students.”

Finally, Leigh described being at a meeting with the director of the counseling center, the dean from the women's coordinate college, and one of the police officers. The meeting was scheduled to last for a couple of days, so they made use of the time together. Leigh stated, "We began to have some informal conversations about what we might want to do on our campus when we get back with the rest of our folks". She also discussed receiving notice and information from her membership with the American College Health Association and various email listservs that she is on.

It was apparent from all of the participants that the information about the Dear Colleague Letter was received quickly and the sense to act was not taken lightly. Each participant recognized that it could impact their daily responsibilities. With this duty, all of the participants expressed a desire to do what was required and to do it well.

**Title IX Coordinator: "...we were appointed by our president"**

One of the requirements that the Dear Colleague Letter (2011) emphasized was the responsibility to "designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX". The option for a senior coordinator and supporting deputy coordinators was clarified. Given University's Title IX Coordinator is a human resource position, and he addresses issues of sexual harassment and sexual violence for faculty and staff members who are victimized.

Gregory and Joan were appointed by the University President as the two Deputy Title IX Coordinators in August 2011. This was about four months after the release of the DCL. These positions have the responsibility of addressing student involved Title IX sexual violence and sexual harassment cases. They also have the charge to serve as the

Title IX educators on campus. Though they are housed within the different coordinate colleges, they work together closely on all sexual harassment and sexual violence cases. Gregory and Joan discussed their frequent verbal communication, using encrypted email to share information, text messages, multiple face-to-face meetings, and joint decision making for Title IX cases that are reported. They also jointly provide training and educational opportunities for the entire campus community.

Gregory and Joan each recognized how their positions on campus prior to the Dear Colleague Letter supported their appointments. Gregory serves as the university's substance abuse educator. His knowledge of this field as well as his work with various student organizations complements the requirements of the Deputy Title IX Coordinator position. As discussed in the literature review chapter, alcohol use and sexual violence have a high correlation. Therefore, alcohol and substance use are critical in work that addresses sexual violence. As identified by Joan, she has served as a victim-survivor support person for a long time so she has a wealth of knowledge about the Given University campus community, resources, and the needs related to sexual harassment and sexual violence at their institution.

Both Gregory and Joan expressed a willingness to take on these critical leadership positions, in addition to the job responsibilities they already had. Administratively, the role and responsibilities as Deputy Title IX Coordinators is 25% of each of their positions, but, Gregory sums it up when he states, "It's a lot of work. It is a ton of work, but for the most part, I think it's for most institutions it's been add-ons to peoples' positions. I think it's been a positive change." The role of Title IX Coordinator is not only

required, but essential. Given University has used the Deputy Title IX Coordinators to serve in capacities as identified in the Dear Colleague Letter and the people in these positions are working to support the institution's response to the Dear Colleague Letter.

**Policies and Procedures: "We created a whole new policy"**

The Dear Colleague Letter (2011) reminded schools of the requirement to have a notice of nondiscrimination that states that it does not discriminate based on sex and that this is consistent with the Title IX requirement. The notice must also provide contact information for the Title IX Coordinator or the Office of Civil rights if there is a concern. Additionally, this statement is to be widely distributed to students, those applying for admission or employment, and any other relevant persons. Furthermore, a grievance procedure for filed complaints must be adopted and widely published.

During interviews with participants, the researcher asked about Given University's non-discrimination statements, grievance procedures, and other policies and procedures related to sexual violence and sexual harassment. Each participant was familiar with the policies and immediately directed the researcher to the university website to review. The website was seen as the most easily accessible means to the information. Joan clarified that the university's website was updated with a section completely devoted to sexual misconduct. This allows for the policies, procedures, resources, and support information to all be found in one place. Gregory gave the researcher a joint business card that he and Joan have, which includes the website address.



Given University has the required statement and policies in place. Each participant acknowledged that all of the policies were reviewed and updated following the release of the DCL. Gregory discussed major changes that occurred related to policy and grievance procedures. He stated, “We created a whole new policy, revamped our whole system, created all new procedures related to violations dealing with sexual misconduct, so we created a separate hearing board that is only comprised of administrative staff; it does not have students or faculty.” Gregory and Joan discussed continuous monitoring, reviewing, and assessment of their policies and the campus needs, and revisions are made as needed. Gregory stated that changes are typically made during the summer, but noted that changes can be made during the academic school year if deemed necessary.

Gregory provided an example of a change that was made during the academic year once an issue was recognized. He shared the example of the language used when the Deputy IX Coordinator makes the decision that a case should be referred to the conduct officer. He stated that previously when a case had enough information that it needed to be forwarded to the conduct officer, he and Joan stated that “it warranted a complaint and we’re referring to the appropriate hearing officer”. He stated that students and family thought this meant a charge was automatically going to happen, which was not intended to be the message. So, Gregory and Joan now state that “we are referring it to the conduct officer”. This change means that they are not definitively stating that a charge is going to happen, but it is going to that office for review. He stated the statement is much clearer for students and family.

Upon inquiry about information dissemination, all of the participants provided a list of various means. These included (a) the university website, (b) face-to-face trainings offered by Gregory and Joan, (c) new student orientation, (d) presentations to major student groups, (e) dissemination through the student development office, (f) conversations with faculty, (g) new employee orientation, and (h) annual messages from the deans from each of the coordinate colleges.

Of this list, all participants identified the university website and the Deputy Title IX Coordinators. Several discussed the letters sent from the deans which includes reminders about policy. Joan discussed the importance of continuous reminders about the policies. She stated that in 2012 “everything was completely overhauled”. She stated when all of the policies related to sexual harassment and sexual violence were changed, around January or February 2012, the deans of the colleges sent out an email message to all students. She stated that since that time, the deans have sent out messages at least annually. Gregory provided the researcher with a copy of the dean’s letter that is sent to the campus community each academic year.

### **Reporting and Investigations: “I want the case”**

The Dear Colleague Letter on sexual violence (2011) provides recommendations on ways of disseminating policies about filing a grievance. It goes on to discuss that once a complaint is filed or reported, that an adequate, reliable, and impartial investigation must be conducted. In addition to the university’s Title IX investigation, students should be made aware that some conduct also constitutes criminal activity and the student should be informed of the option to report to the police. The DCL was clear that the criminal

report is separate from the university Title IX investigation and should not impede or delay the university process. Additionally, schools are instructed to allow equal opportunity for witnesses and other evidence. Students who are reporting victimization as well as those who are being accused of abuse are afforded equal rights, but the DCL is clear that the protection of the complainant should not be delayed.

The participants of the study spoke about the equity and detail of the reporting and investigative process that Given University has in place. Each discussed the role of the Title IX investigation of student reports by Gregory and Joan. Due to Christopher and Felicia's roles with investigating reports for judicial and criminal processes respectively, their professional capacities were directly impacted by the Title IX investigation processes that were implemented after the Dear Colleague Letter.

In his interview, Gregory described in detail the system that he and Joan have in place for investigations.

We're the Title IX coordinators for students. So anything that deals with sexual misconduct involving a student, we would investigate, and in our role, we basically assign one of us to be the primary investigator. If I'm the primary investigator, I would interview all the parties involved, and I would review any text messages, emails, photographs, and then I would write a summary report of that. Joan's role would then be to oversee my investigation, so if there's something I missed or should have asked; I would go back. She would say, you need to go back and ask them about this, and it would be vice versa if she was the primary investigator. We feel that set up is nice because you're making this

decision jointly. After we complete an investigation together from me doing everything and you reviewing it would, basically, we believe this should be referred to the conduct officer for discipline, and then the conduct officer would review it all and determine if a charge under student code of conduct. So it's basically a tiered system. We also, Joan and I, like this because it can be difficult with some cases whether it should or shouldn't, the other thing we like too is being different genders. It's less likely somebody's going to accuse me of trying to protect somebody and less likely for somebody to say she's just out to get somebody, because we're making this decision jointly. We totally understand that every institution can't do that, but we think it's a huge bonus.

Joan also discussed the investigative process and additionally identified the importance of non-confidential resources informing students that a report will be made and someone will contact them to discuss options. Joan stated that when this is not done, the student you are trying to help may be on the defensive when you are actually trying to help them.

Gregory discussed that a victim is given the choice to report both criminally and judicially. Students are educated on the fact that if they pursue a university process, the university is not required to report to the police. However, if the police receive a Title IX related report, they are required to share it with the university's Title IX Coordinators.

When Christopher discussed students going through campus judicial and/or criminal system, he described himself as being an "advocate for I want the case. I want the criminal piece of it." He acknowledged that age, developmental status, and trauma responses that victims are dealing with are mitigating factors in their decision of how

they want the case pursued. As a law enforcement officer in the criminal justice system and a higher education administrator, he spoke with compassion about the challenges of going through the criminal system. Compassion was indicated by the change in tone of voice and his words. He stated:

They're probably going to go the route of the path of least resistance because they're probably more familiar with the university setting than with the criminal justice setting. The criminal justice setting for sexual assault is a harsh system. You've got to tell your story over and over again and eventually tell it to a jury of strangers and the final outcome of it. That's all prepped and told to the individual, so there's that option the individual has. That's a positive. It does allow them to at least report a situation, which is a good first step. Now, we always tell them here that a criminal investigation, there's no timeline. You can come back years later, but we need something initially. We need some type of base report that we can come back to down the road. That's my biggest challenge.

He clarified that this base information is important because there is no statute of limitations. So, he works with the Deputy Title IX Coordinators and other campus security administrators to try to gently gather information to be used in the future if needed.

When Felicia discussed investigating a report as the student conduct officer, she reported that the use of a Title IX investigation has led to essentially two investigations being completed for each reported incident. She stated that if the Deputy Title IX Coordinators determine that a report should be forwarded for consideration for a violation

of the student code of conduct, it is a time consuming process for her despite the efforts that the Deputy Title IX Coordinators have already made. Felicia stated:

So I had to go back through, and basically, it was more time consuming, but I had to read every meeting that was had by any of the Title IX folks that were meeting with those students, and I actually had to end up interviewing people again to get clarification, so I felt like a little private detective. Then I was able to bring about charges. They investigate, but then sometimes I investigate, and I'm looking with a different lens. I'm looking at, Did you violate policy? What policy did you violate? Are there witnesses or not? Was it your word vs. this person's word? Can I hold you accountable? Should I send you straight to the University Hearing Board? Why or why not? So all those different pieces.

Felicia discussed that the decision can be her sole decision, but within the month prior to the interview, a new development that utilizes a committee for consultation on a case was implemented. If students do not agree with her administrative hearing decision, they have the right to go before the university's hearing board. In addition to ensuring that she conducts an equitable and thorough process, Felicia discussed how she tries to work with the conduct officer for the Men's Coordinate College to ensure that males and females are being treated consistently with charges and cases. She expressed intentional efforts to communicate with her counterpart in the Men's Coordinate College. Felicia stated that she would never want there to be inconsistencies with gender and the university's cases be evaluated by the Department of Education or the Office of Civil Rights and possible inconsistencies in charges are identified.

When schools are investigating reports for violation of Title IX and the campus judicial process, the Dear Colleague Letter on sexual violence clarifies the requirement to use a preponderance of the evidence standard. During their interviews, Gregory, Christopher, and Felicia all referenced this standard and the fact that Given University uses it for judicial cases. Gregory identified that the preponderance of the evidence standard is taught as a part of trainings provided to the campus community. Christopher spoke directly about how this standard could contribute to an alleged perpetrator filing a lawsuit against the University for the finding. Felicia talked about the importance of the campus community, particularly faculty and staff, understanding this standard and what it means.

**Training and Education: “We’ve done well over 200 trainings on campus”**

The Dear Colleague Letter (2011) not only focuses on compliance with Title IX, but the letter provides recommendations on implementing strategies for preventive education and providing resources to victims of sexual harassment and sexual violence. Given University study participants spoke with pride about the efforts being made on their campus. All of the participants identified the Deputy Title IX Coordinators as the primary educators on campus, but each of the participants had a clear understanding of what is being included in training efforts. They were all also aware of various educational programming opportunities that were occurring in the campus community. Each participant has some level of involvement with education and prevention on campus.

The participants stated training for faculty, staff, and students includes defining sexual harassment and sexual violence and related terms, what constitutes violations,

resources available on and off campus and confidential resources, recognizing signs of victimization, how to make a report, information on why victims do not report, how to talk to victims, how to talk to accused students, predation research, research related to alcohol use and instances of sexual violence, and faculty and staff reporting obligations. Specific attention is given to resident assistants who are in dual roles as students and employees.

Gregory discussed the charge that he and Joan have to not only investigate reported incidents but also the charge to train everyone on campus about Title IX and sexual harassment and sexual violence. He spoke about the efforts to start early in the academic year and to continuously educate about Title IX. In regards to educating students he stated that training and education starts with presentations and monologues at orientation and continues throughout the academic year as a part of bystander intervention training and alcohol education. Gregory discussed the need to target key students groups such as members of the Greek life community, athletes, resident assistants, and orientation advisors. Training is conducted for faculty and staff as well. Gregory stated:

We've done well over 200 trainings on campus, and we had to create over 20 different training segments because every population is a little different. This is not to be offensive, but we have some individuals with less education, so we have to be more specific about what is non-consensual sexual intercourse and those things, and spend a little more time. Some individuals, English isn't their first language. So we knew different groups, we had to do different trainings.



Gregory stated that he believes that the educational efforts and being in front of students contributed to an increase in reporting incidents of sexual violence in the years immediately following the release of the DCL. Given University recently received a grant to support Title IX activities on campus. As a part of the grant, a new prevention specialist was hired and Gregory stated this person will help with increasing the education provided on campus.

During part of her interview, Joan identified formal training sessions, but also stated that training can occur during small group meetings and it can be a part of one-on-one conversations. Joan addressed the importance of these trainings and the knowledge gained. A specific example was students' awareness of who the confidential resources are in case they need support, but do not want to move forward. In a related manner, she stated that faculty and staff are clearly informed of who the mandatory reporters are on campus. She stated that she and Gregory keep a database of everyone who attends trainings and if a faculty or staff member fails to report as required, they would be able to demonstrate that it was not because the university did not train them. Like Gregory, Joan talked about the challenge this creates for resident assistants who are students talking to peers, but have an official university capacity as a university employee. She explained that a student's role as a resident assistant is always primary and therefore they are required to report when a Title IX violation is disclosed to them.

As Christopher discussed training and education on campus, he discussed the crucial timing of when some training occurs. He identified training at orientation as important. He identified high risk times for sexual violence as the first three weekends of

the academic year, the first couple of weekends for freshmen, around spring break, as the weather starts to get warmer, and around the time of big university parties. He stated the reminders of what can occur and what services are available is important. Christopher also discussed a desire to see education starting prior to students coming to college. He also discussed possibly having a state-wide message that the student hears throughout their lives and he discussed the value of a single message for the community that occurs at the right time, place, and in the right manner.

Felicia shared examples of her chances to educate on an individual basis. She described them as “teachable moments”. She stated that when she is working with students, primarily females, she talks to them about risk reduction, high risk situations and time periods, and the correlations between alcohol and sexual assaults. She stated that she provides specific tips for risk reduction such as not going places alone, keeping the cell phone charged, being aware of alcohol use, and not getting into vans to go to off campus parties. She stated her role of broad campus education has been limited since the release of the Dear Colleague Letter. She stated she defers to the efforts of the Deputy Title IX Coordinators due to her role of hearing all cases that come for potential violation of the student code of conduct. Felicia stated that she plans to make sure that this upcoming summer she is a part of training for university hearing board members to ensure that they understand the university’s statutes, what preponderance means, and how a sexual misconduct hearing can be very different hearing than for other violations.

Like Felicia, Leigh discussed “teachable moments” and opportunities to provide training to students. She discussed how during medical visits for certain issues, such as

preventive care and treatment of urinary tract infections or sexually transmitted diseases, there are appropriate questions that can be asked that can facilitate discussion about resources and possible student needs. She reported that much of the education at the student health center occurs through one of the registered nurses and the nurse's work with peer health educators and a collaborative program with athletics. Also, paperwork that students receive provides resource information.

These are all formal trainings and presentations that are offered to students, but training and education was not limited to these strategies. Given University has a number of campus programs that are student led or highly student involved. Every participant discussed these initiatives and how impactful they are on campus. Student education also occurs through a campus bystander intervention program that started prior to the Dear Colleague Letter, in living and learning residential communities, a campus consent campaign, a White Ribbon campaign, a Take Back the Night speak out event, the Clothesline Project, a program called Alcohol EDU, and through a healthy relationships committee. These programs are publicized and information about them is on the university website. Both Gregory and Joan discussed the value of a healthy relationships program to help to send the message that relationships and sexual contact do not always have to be negative. Christopher discussed a desire for unified programming and consistent messaging for all campus groups. He expressed hope that new staff opportunities from a recent grant award will help to organize the programs and campaigns offered.

**Remedies and Resources: "We're going to move him out of the class"**

The Dear Colleague Letter (2011) makes recommendations to schools about taking actions to support and protect those who are coming forward with complaints of sexual harassment or sexual violence. This support would include safety precautions, changes in living arrangements as needed, and services related to mental health counseling, medical, and academics. The DCL states that when changes are made to ensure that these services are available, the burden on the student making the report should be minimized.

The on-campus resources that the participants identified were the Deputy Title IX Coordinators, counseling center staff, chaplains, reverends, a rabbi, faculty members, residence life, the Deans offices, and the anonymous reporting system. The participants talked about resources available on and off campus. Off campus resources are the local rape crisis center, the local domestic violence shelter, local hospitals, and collaborative survivor support groups with a local college. Felicia spoke with knowledge about the resources, but stated that beyond addressing immediate safety concerns and mental health needs, she prefers to support her students in connecting with Joan to get information about all of the resources available to them.

In addition to access to resources, the participants discussed the willingness to make changes to academic schedules to minimize a student interacting with the offender. Changes in residence hall living arrangements can also occur when the university is made aware of a possible Title IX violation. Both Gregory and Joan clarified that prior to the Dear Colleague Letter on sexual violence, students who reported victimization were given the options to make academic and residence changes, but the complainant was the

one to move. Since the DCL, it is the offender who has to move in order to lighten the burden on the complainant. Additionally, bans from campus, immediate No Contact orders, and No Trespass orders are initiated as needed.

At Given University, they are offering the recommended services as well as some services that possibly go beyond the recommendations. Gregory discussed how in addition to the above services being offered, the university has provided financial support by paying for or reimbursing for expenses that occurred due to a sexual victimization. He gave examples of covering medical costs such as treatment for sexually transmitted diseases and replacing items such as broken glasses and phones. Gregory also spoke with emotion about providing transportation services for medical care. He stated:

...and we're very accommodating of, and this is not to come off as criticism to other campuses, but Joan and I get so frustrated at times when people hide behind liability and don't want to take students to a hospital because they're not insured. You're insured. We just take students. We're not going to be like, Oh no, we can't take them. What happens if we get in an accident? Well, the University insures you.

Given University makes efforts to provide remedies to the campus community by providing education on Title IX, Title IX reporting options and investigations, and education on sexual harassment and sexual violence. Training for the community also includes education on the resources available to those who experience sexual harassment or sexual violence and how to access these resources. This information is widely

disseminated through mediums such as face-to-face contacts, websites, brochures, and business cards.

### **Emergent Themes**

As data at Given University was collected and analyzed, several themes emerged about their processes and response to the Dear Colleague Letter. It was apparent that it was not simply about following a checklist for implementation. The emergent themes were (a) change, (b) collaboration, (c) support, and (d) human and financial capital.

#### **Change: “It was a complete overhaul”**

When speaking with each of the participants, they each described how the Dear Colleague Letter on sexual violence (DCL) has created some form of change. Early in her interview, Joan stated:

Complete overhaul. Everything from the language we’re using, to a complete review and revision of our conduct board, our University Hearing Board, which is what we’re using for sexual misconduct, which we removed all students and faculty from, so that’s just staff members, to all of the sudden doing trainings for an entire campus community. So, it was a complete overhaul. Our website, different links, there’s nothing that wasn’t touched. Nope.

The participants discussed how implementation of the DCL led to change in policies, procedures, and judicial processes. When Gregory discussed these changes, he stated, “Well, we created a whole new policy, revamped our whole system, created all new procedures related to violations dealing with sexual misconduct, so we created a separate hearing board.” Gregory discussed how they are constantly reviewing and learning from

what they have implemented and making changes as needed. He stated changes typically occur during the summer for implementation for the upcoming academic year.

Each participant identified the changes since the DCL as having a positive impact that has led to an increase in reporting incidents of sexual harassment and sexual violence. Each clarified that it is most likely not an increase in occurrence, but an increase in knowledge about resources and actually connecting with resources. Gregory, Joan, and Felicia also discussed how as victims are coming forward to use resources and accommodations such as academic class changes and housing changes, it is the accused student, not the victim who is forced to make changes. Prior to the Dear Colleague Letter students were victimized were given accommodations and support, but they were inconvenienced with making the change, whereas now it is the accused student.

Joan, Christopher, and Felicia discussed how the Dear Colleague Letter shifted the focus from the individual to the campus community. They discussed that consideration is no longer simply about how to support a person who has been victimized, but the situation must be taken in the context of protecting the entire campus community and doing what is best for the community, sometimes when the victim is not ready to move forward. All expressed an understanding of this need and found value in it, with the caveat that the needs of the victim are considered and that person is provided necessary support during the process.

Changes in jobs and job responsibilities was discussed by many. The participants discussed the fact that Gregory and Joan were given new responsibilities as the Deputy Title IX Coordinators. Joan herself discussed that she went from serving as an

advocate for those who are victimized, primarily female students, to being a non-confidential resource that has to conduct investigations and talk to victims, accused students, and the witnesses for both. Leigh discussed that for most, the Student Health Center is no longer the first point of contact so, as clinicians, they are changing their approaches to asking questions during visits and are ensuring that others are aware of the services they can offer so that appropriate referrals are made.

Felicia described her job as changing in a way that has limited her. She described no longer being able to educate as much as she did before and changing the scope of how her meetings with students go because she most likely will hear the case in a judicial officer capacity. Felicia described the changes and limitations to her interactions with students as frustrating. Felicia stated, “I feel very, almost handcuffed about what I can say with regards to, since the Dear Colleague Letter has come out.”

**Collaboration: “We need to make sure that we’re all on the same page”**

Response to the Dear Colleague Letter has many implications for institutions of higher education. This case study with Given University has demonstrated that beyond implementing the guidance and recommendations, collegiality is important. Another theme that emerged was collaboration.

The participants in the study identified several key relationships that are essential in providing the services identified in the DCL. The first collaborative relationship identified by all was the strong working relationship and collaboration that the two Deputy Title IX Coordinators have. The importance of serving the Men’s and Women’s Coordinate Colleges equally is a part of this process. Leigh described it this way:



I was very, very pleased at the response the university took and having Gregory and Joan carve out what was supposed to be theoretically 25% of their time was now devoted to this, and the way that the two of them came together to become educated about this and informed about this and then worked to develop this process and teach our campus about it. It's been wonderful. I must admit, because there had been some history of difficulty with the men's dean and the women's dean offices getting along. We're a unique institution, right? I don't know how much you learned about that while you were here, but the women's college is separate and the men's college is separate in terms of the ways they function administratively. Men and women are different, and those gender differences were often reflected in the way the two different deans offices approached problems, and sometimes the solution to the same problem was different for the men's dean than it was for the women's dean, so I had some concerns that this was not going to go very well. Kind of like oil and water, you know? And I don't want you to think that it was a huge mess and people just didn't get along. I just know that historically, they often did not agree to the approaches to the same problems. They did things very individually, very differently in the men's college, very differently in the women's college. So I was really pleased and delighted the way that Gregory and Joan came together and worked through this and have just done a wonderful job for our campus. They really have. I can probably think about one or two little teeny nuances that maybe I wasn't pleased about, but nothing comes to mind right now, but overall, I remember thinking for our

university to devote 50%—they took 50% FTE—a quarter of Gregory and a quarter of Joan and said, ‘You must do this now,’ that was a really big deal. I was proud of the response that the institution made, and I’m just delighted and thrilled with the work Gregory and Joan have done.

In order to implement the Dear Colleague Letter, in addition to the two Deputy Title IX Coordinators, the participants described an essential relationship with the university general counsel for guidance on policy development. The collaboration among the Deputy Title IX Coordinators with the judicial officer and law enforcement is vital to addressing reports of Title IX violations. Other on-campus collaborations allow for students to receive necessary support services. This involves collaboration with the Student Health Center, the Counseling Center, Student Development staff, Residence Life, and religious and spiritual services.

Furthermore, when students do not want to receive services on campus or who need additional services, a collaborative relationship with local off-campus referral resources has been important. These collaborative relationships include the university working with the local rape crisis centers, domestic violence services, and hospitals. Additional support comes through a collaborative relationship with another local college to provide support group services to student from both institutions. Christopher discussed how the collaborations and various options can reduce stigma. He also discussed how the collaborations have become more formalized since the DCL was released and he described plans for future communal collaboration through a Sexual Assault Response Team (SART).

Collaboration with students for educational programming on sexual misconduct has been important. Gregory described initiatives for consent campaigns that have been done in collaboration with students. Leigh discussed how working with student peer health educators is a significant collaboration for the Student Health Center (SHC). Leigh also highlighted work that the SHC is partnering with Athletics to offer.

Leigh described previous challenges and working in silos that occurred because the Student Health Center, the Counseling Center, and the Recreation and Wellness Department are all organizationally and geographically separate. So, an intentional collaborative relationship was built to streamline and enhance services for students. She described the process of developing the relationship this way:

So we embarked last fall on, it's probably going to be more than a year, but we're now in to March, reviewing what we do, how we do it, and where we need to make improvements, recommendations to our boss, our division vice president about what our model should look like moving forward. We've already decided that we need to be more integrated and the first step we took towards that was back in the fall, we developing an integrated website called, [You are well], so that's sort of our virtual connectedness, and so we're very deliberate about the messages that we send out being consistent and having the students understand that they are coming from all of us as part of the people that are responsible for the health and wellness of the community. So as we move forward, I think that we will have identified more deliberate and intentional ways to work on things such as sexual misconduct as part of this process because we don't need to reinvent the

wheel. I need to be doing, what I'm doing needs to be done in conjunction and collaboration with my colleagues in wellness and my colleagues in counseling.

We need to make sure we're all on the same page. We seem to be in many ways, but just the physical separateness that we have has led to some challenges, but meeting regularly and bringing ourselves together produced the website, for example. That was a very positive collaborative experience.

Ultimately, the collaborative efforts contribute to an environment that provides resources to those who have been victimized and the collaborative efforts are also an opportunity to reduce the occurrence of sexual harassment and sexual violence.

**Support: "We just take students"**

Support for students and those providing services to students is essential to implementing the guidance of the DCL and having a positive impact on the campus environment. This was discussed throughout the interviews. Support is the third emergent theme.

The participants each talked about support. First, each of them discussed support from the higher level administration to initiate changes that would support the university's ability to implement the guidance found in the Dear Colleague Letter. This also included the university president and his cabinet's willingness to allocate resources and to be one of the first groups to be trained. As the police chief, Christopher discussed some of the challenges with timely warnings and other legal requirements that can come when a crime occurs on campus. He stated that, "We been lucky enough where we have

support here from everybody to make that decision based on what's best for the community and what's best for the individual. It's a tough call."

Support for students was a critical component of support. Each participant described ways in which the DCL has allowed new or continued support for students. Support includes the remedial services offered and the participants also described an evolution of these services after the DCL was released. Christopher discussed the supportive relationship that faculty members have with students. He also identified an anonymous reporting system that was implemented in 2011 as a source of support for students. Felicia discussed how the hearing board and the process at hearings for sexual misconduct cases have changed to be more supportive of students. One example she provided was the ability for a victim to use video conferencing for the hearing rather than being in the same room with the person who violated her. Leigh described how the student health center has made changes to forms and the manner in which they ask questions to students in order to create a more supportive environment.

Gregory provided the following example of support for a student who has been a victim of sexual violence:

"...we're very accommodating of, and this is not to come off as criticism to other campuses, but Joan and I get so frustrated at times when people hide behind liability and don't want to take students to a hospital because they're not insured. You're insured. We just take students. We're not going to be like, oh no, we can't take them. What happens if we get in an accident? Well, the University insures

you. You want that support. You don't want to say, we can't take you. You have to go alone in a cab. Or have the police."

Joan provides what can be considered a summation regarding support. When asked if there is anything else that she would want the researcher to know about her experience with the implementation of the Dear Colleague Letter, she stated:

I can't think of anything. I guess the only thing that I've been amazed by because I came from an advocacy background is I initially was turned off by it because I thought it was going to be very chilling, but that's not what we've seen. ...there's a man here who's the head of [school initiative] which is like our diversity/inclusivity initiative at the university, his name's [Diversity Colleague]. He and I had this conversation once, and he said something to the effect of, 'Ultimately, people don't know what to do with this, and now there's a structure in place, a formal structure that they can utilize.' How is having options or a formal structure ever a bad thing? Because they still don't have to share things. But it has been. I'm still close with pretty much every person who has come through here as a victim-survivor, and the nice thing about our system is once we either turn it over or if we say, there's not enough to turn it over, then we can ... then we can fill that support role. Once the investigation piece ends, and we can't support during, we support everybody in answering questions and providing information, but then once that piece is done, then we can transition to support where in some systems when it's the same person doing everything, they don't ever have that option to then support and we do have that, and for me, just with

my background, I can't imagine not having it. I don't think I would want to be in this position if I couldn't also provide support. And it's been helpful because even when people have been frustrated with outcomes or things like that, they still come back for support.

**Human and Financial Capital: “We were just waiting for her position to be made full time”**

For all of the actions that have been taken and resources and services offered, a theme that was heard throughout the individual interviews was capital. Everyone discussed human capital and the need for people to complete the necessary tasks. Several of the participants discussed that the roles of Deputy Title IX Coordinators became 25% of each Gregory and Joan's positions, but, with this addition of responsibility, no other responsibilities were removed. Gregory discussed the time commitment to developing and providing hundreds of hours of training. When discussing implementation and responding to the Dear Colleague Letter, he stated, “It's a lot of work. It is a ton of work, but for the most part, I think it's for most institutions it's been add-ons to peoples' positions.”

Leigh described the need for one of the registered nurses to be involved in educational programming. She stated, “We had a proposal out there, for example, for [Registered Nurse] to develop the [Wellness] program, and we were just waiting for her to position to be made full time so she would have time to devote to that activity.” She discussed the nurse's efforts to collaborate with athletics and bystander intervention

programming, “You’ve always got to cover your patients first. She was freed up from clinical time to work more closely with...”

In addition to human capital, the participants discussed financial capital. Given University recently received a large federal grant. All of the participants spoke with excitement about the services and opportunities that can possibly be offered through the funds that will come with the grant. There was discussion about the newly created positions, funding for treatment and restitution related needs for victims, collaborative efforts, and training. This grant came through the efforts of the Deputy Title IX coordinators writing to try to secure it. It is apparent that support for a cause is essential, but everything cannot be done without financial backing.

### **Summary**

This chapter discussed the study participants and the findings from collected data. The findings included how the participants and the university responded to the guidance and recommendations provided in the Dear Colleague Letter following its release. As university administrators, each of the participants had some type of involvement with the university’s response and implementation of the DCL. Four major themes emerged about the response. When studying the university administrators’ response, the themes are change, collaboration, support, and human and financial capital.



## CHAPTER FIVE

### DISCUSSION

#### **Introduction**

The purpose of this study was to explore the impact of the 2011 Dear Colleague Letter on sexual violence (DCL) on an institution of higher education. Specifically, a case study method was used to explore one institution's administrators' response to and implementation of the DCL. The research question guiding the study was: How are university administrators responding to the guidance and clarification provided in the 2011 Dear Colleague Letter on sexual violence?

The chapter starts with discussion of findings related to Environmental Theory as addressed in Chapter Two. After the discussion of theory, this chapter continues with conclusions from the study. This is followed by implications for practice, limitations, and suggestions for further research.

#### **Discussion According to Theory**

As discussed in Chapter Two, the theoretical framework used to guide this study is Environmental Theory. According to Strange and Banning (2001), understanding the environment can support learning for students. Given University's response to the Dear Colleague Letter can be considered in the context of this theory and how safety and inclusion are supported.

The first of four key components in Environmental Theory is the physical layout. The researcher utilized observation as a data collection technique. While on-site at the university, the researcher went on an independent tour of campus and also on a guided

tour by Gregory, one of the Deputy Title IX Coordinators. The layout of the campus was very well-defined and buildings and streets were well labeled. The researcher visited the offices of each of the study participants. Each office was easily found and all were in close proximity of one another. This supported collaborative efforts and accessibility of services. All of the offices included numerous brochures and student related pictures. The spaces seemed welcoming to those entering.

The campus included well-lit parking lots. Though the parking lots were well-lit, when walking on the campus at night, some of the streets were dim and created a safety risk. The campus is located in a mountainous area with a lot of trees and vegetation. Again, this situation could be a safety concern as it creates areas for potential offenders to position themselves and commit crimes of opportunity. The campus did have signs that advertised the Campus Watch program, encouraged those on campus to work together for safety and to report suspicious activity, and despite the geographical location, the university seemed to be supportive its mission of safety as discussed by the participants. Also, the researcher took note of emergency phones and noticed that there were several campus emergency phones, but the researcher also noted that she had poor cell phone reception while on campus. As such the emergency phones with the illuminated blue lights were essential when considering safety.

The human aggregate is the second identified component of Environmental Theory (Strange & Banning, 2001). The study participants were cognizant of the unique qualities that individuals can bring to campus. Gregory discussed tailoring trainings and educational opportunities with consideration to educational level, language barriers, and

gender. The participants also discussed consideration for special populations such as athletes and members of the Greek community. This aligns with Clark and Trow's (1966) report on subcultures as discussed in Chapter Two.

Most of the participants referenced the fact that the university is highly residential. Over 90% of the students live on campus all four years of their education, although not a requirement. Christopher identified the nature of living in close proximity as well as the close relationships of the campus members as considerations as decisions are made about things such as issuing timely warnings. He identified the residential nature of the campus as a concern because despite confidentiality and not identifying a victim by name, it is easier to determine who it is when a location or other details about the crime are identified in the timely warning. So, this is well thought-out as policies and procedures are developed.

Christopher discussed the distinctive characteristics that students bring from their homes and why it is important for the university, and even the state that it is located, to complete a state-wide messages about safety and sexual harassment and sexual violence that can be learned early and that thought processing brought to campus with the individuals. Felicia stressed that males and females are different, but it is important for the administrators of the Men's Coordinate College and the Women's Coordinate College to work together to provide fair and equitable treatment for these populations.

Strange and Banning (2001) discuss the organizational environment as the third component. This includes rules, regulations, and policies. Part of the data collection for this study included reviewing the policies and procedures related to sexual harassment

and sexual violence. These policies are thorough, supportive of safety, and easily accessible for those who need to know more about what to do for prevention or if they are victims of sexual harassment or sexual violence. The policies are easily accessed on the campus website, are referenced in brochures, and Gregory and Joan have a joint business card that has the web address and also as a barcode that can be scanned to access the policies online. All of the study participants discussed the efforts that went into changing and updating policies to comply with Title IX and the Dear Colleague Letter and to serve the needs of students, with priority consideration given to meeting the needs of a student reporting a violation.

Finally, constructed environments are considered (Strange & Banning, 2001). This concept refers to the notion of perception about the environment. The participants discussed sending consistent messages and creating an environment of safety, support, and access. Further assessment of the campus climate may need to be completed, but the study participants believe that the students view the institution as accessible and willing to help them. During our interview, Leigh, the Director of the Student Health Center, reflected on a question she was previously asked by a colleague at another institution. Leigh shared the following:

So she had some questions for me as part of her work on that committee, and it got me thinking about some of the changes that we have noticed, and I remember telling her after I had a few minutes to reflect that I really felt like the students had gotten the message from Gregory and Joan. ‘This is where we come. This is who helps us with this.’ Whether it’s the individual themselves or concerned

others about behavior they've witnessed or a friend that they're worried about. I really think they've done an excellent job of getting that message across to our campus and educating all of us about what the system is and how it works and what the points of contact are because they are seeing a lot of students. They are getting a lot of reports, and if our students didn't have confidence in the system, they didn't feel it was a credible way to manage their concerns, I don't think we would see that. I don't think we'd see those numbers.

During the time of the researcher's site visit, the campus magazine was released. It contained a two page article, written by a student, about the university's bystander intervention program and encouraged students to be involved in the program and the mentality of bystander intervention. This indicates a level of student acceptance and support of the initiatives of the university administrators as it relates to sexual harassment, sexual violence, and being an overall safe campus.

Strange and Banning (2001) discussed how these four components can contribute to creating an environment of safety and inclusion. The efforts of the administrators at Given University and the response they have made to the Dear Colleague Letter on sexual violence indicate that they want to create a campus that is safe and that anyone who needs support can freely come forward and receive it or at least have access to how to get help on or off campus.

### **Conclusions**

After studying the response of administrators at Given University, it was apparent that they want to do what is best for the students and the institution. Every participant

discussed the importance of offering the services identified in the Dear Colleague Letter, but for most, doing so meant making changes in their current positions. The actions at the university created an environment of openness and willingness to help, which, can support an environment of safety and inclusion as discussed in Environmental Theory. This support can contribute to student's growth and learning opportunities.

The study demonstrated that in order to fully implement the 2011 Dear Colleague Letter on sexual violence, university administrators must be willing to consider possible changes in their positions and daily functions to meet the needs of students. Also, collaboration with other departments, on and off campus, as well as students is critical. The ability for one person to offer all things necessary is nearly impossible.

Support from leadership, support for peers, and support for students are vital. Yet, findings from this study also demonstrate that universities must recognize that it is more than just a willingness to be compliant and to help. It takes human and financial capital to meet the recommendations of what needs to be offered. It also takes this capital to meet the demands and needs of students that come once students are informed and start to come forward in need services.

### **Implications for Practice**

This study reviewed the actions of one institution of higher education in regards to its implementation of the Dear Colleague Letter on sexual violence (DCL). Though the findings are only indicative of one institution, these findings identify considerations for other institutions.

First, in order for the scope of services identified in the DCL to be implemented and for the campus community to participate, the directive to act should come from the governing body for the institution, such as the board of trustees or a university president or cabinet. At the research site the level of commitment to make such changes or enhancements occur is high; therefore, for other universities to implement such changes, they may want to consider identifying and earmarking money for these services, securing grant funding, increasing personnel or reallocating personnel time to ensure accuracy, continuity, and consistency with implementation and follow through.

What the Dear Colleague Letter and Title IX require of schools demands a collaborative effort with many personnel. Due to the fact the implementation may impact job descriptions and job performance, consideration should be given by having conversations with personnel regarding the changes and feedback that they may have as it impacts their jobs. For example, Felicia expressed how limiting the changes have been to her and how it has changed how she interacts with students, which is a primary role as the Associate Dean of Residence Life. Also, recognition for job function and acknowledgment is important. For example, Felicia has a major role as it relates to sexual misconduct and other student conduct issues on campuses, but this is not getting the recognition that she believes it should. During her interview she stated:

...I'll just be quite frank, that's the piece that, there's some contention there because my position, the Associate Dean for Residence Life, is also, we need to get 'student conduct' in our title. I'm working on that. That's a big part of my job,

and I feel it should be in my title. So the student conduct piece, that person actually makes the decision about whether or not charges are brought...

Though the recommendations and guidance come from a national level, institutions should consider how to implement services specific to their campus population and size. Given University is relatively smaller and highly residential, therefore, the Title IX Coordinators engage in a high number of face-to-face presentations and are able to reach a majority of the campus. At larger institutions or a school with a high commuter population, the approach used by the research site might not be applicable. These types of institutions would likely educate the campus community through online means or incorporated with other major events that are already occurring.

Finally, administrators may want to look beyond this process as a federal mandate, but consider it within the context of protecting those who have been harmed and creating a safer campus environment. As stated by several study participants, the Dear Colleague Letter on sexual violence offers a chance for a formalized structure for support for students. As stated by Christopher when discussing collaboration and the impact of the DCL, he stated, "I think it formalized what you have to provide, which was fine with me because I think it made sense." As Joan discussed a possible increase in the number of students reporting sexual violence, she also discussed how the processes created by the DCL have impacted it in a positive manner. She stated:

I've been hesitant to say that because I talked to a lot of people before but I didn't have to do anything with [the information]. I really hesitate to say that there's a change. It's just that more people are electing to go through the process and are



understanding that there is a process in place and are getting that there are supports in place for them. That's formal support.

### **Limitations**

There are several limitations to this study. First, the study was limited based on the case that was selected. The research was conducted at a private, highly selective, liberal arts university. The study did not include differing types of institutions such as large or public institutions, religious based institutions, historically black colleges and universities nor all women's institutions. Another limitation is that since its release three years ago, there has been limited scholarly research on the responses to the Dear Colleague Letter. Therefore, there is little literature to utilize when developing the interview protocol or determining pertinent areas necessary for the study. Third, the researcher purposefully selected an institution that was known to be incorporating the guidance of the Dear Colleague Letter; consequently, there were minimal negative or counter examples of findings in the study. A fourth limitation is that the researcher has limited experience with case study research methods which can hinder the process or impact her role when completing data collection at the site. Finally, the researcher's identity was a limitation because I had to remain cognizant of my knowledge and potential researcher bias while listening to the participants share about their experiences doing work that relates to the researcher's work. Also, I had to be careful not to engage in comparison when observing the environment. The participants were aware of the researcher's professional position working with sexual violence in higher education. At times, the participants made assumptions about the researcher's knowledge and

identification with their situations. When these instances occurred, the researcher did always ask for clarification or examples to ensure that she did not make assumptions about the participants' responses and intentions.

### **Suggestions for Further Research**

Future researchers can extend this study by increasing the number of schools studied as well as incorporating varied institution types. In addition to interviewing university administrators, future research could include non-administrative faculty and staff members since they play a role in the educational experience of the students. Also, including students in the study provides an opportunity to further understand their knowledge of the Dear Colleague Letter on sexual violence, their perceptions of the university's actions, and gaps or recommendations that they may make related to the response to the DCL. Consideration should be given to a mixed method approach that includes surveys and follow up interviews. Additionally, future research could benefit from discussing the DCL in the context of other federal mandates the universities must consider, such as the Family Educational Rights and Privacy Act (FERPA), the Clery Act, and the Violence Against Women Act (VAWA). Again, utilizing a mixed methods approach is recommended to allow for a larger amount of participants and increased knowledge gained.

As this study was being developed and conducted, in 2013 VAWA was reauthorized and updated. Section 304 of the law adds responsibility that in addition to sexual violence, campuses must also address domestic violence, dating violence, and stalking education and prevention. Also, in 2014, the White House Council on Women

and Girls and the Office of the Vice President issued a report on sexual assault on rape and sexual assault identifying campus sexual assault as a particular problem. Future research should incorporate these federal documents, requirements, recommendations along with the DCL and how campuses are working to ensure that they are addressing all of them effectively and efficiently.

### **Summary**

This chapter included a discussion of the findings related to theory as described in Chapter Two, and conclusions based on the themes that emerged. The themes were change, collaboration, support, and human and financial capital. From the themes and observations, the research discussed implications for practice. The chapter concludes with identified limitations of this study and suggestions for future research.

## APPENDICES

## Appendix A

### IRB Approval Letter

Dear Dr. Cawthon,

The chair of the Clemson University Institutional Review Board (IRB) validated the protocol identified above using exempt review procedures and a determination was made on **January 9, 2014** that the proposed activities involving human participants qualify as **Exempt** under category **B2**, based on federal regulations 45 CFR 46. You initially submitted an expedited application, but the reviewer determined that it qualified for exemption. The approved consent documents are attached for distribution. **Your protocol will expire on February 28, 2015.**

The expiration date indicated above was based on the completion date you entered on the IRB application. If an extension is necessary, the PI should submit an Exempt Protocol Extension Request form, <http://www.clemson.edu/research/compliance/irb/forms.html>, at least three weeks before the expiration date. Please refer to our website for more information on the extension procedures, <http://www.clemson.edu/research/compliance/irb/guidance/reviewprocess.html>.

No change in this approved research protocol can be initiated without the IRB's approval. This includes any proposed revisions or amendments to the protocol or consent form. Any unanticipated problems involving risk to subjects, any complications, and/or any adverse events must be reported to the Office of Research Compliance (ORC) immediately. All team members are required to review the "Responsibilities of Principal Investigators" and the "Responsibilities of Research Team Members" available at <http://www.clemson.edu/research/compliance/irb/regulations.html>.

The Clemson University IRB is committed to facilitating ethical research and protecting the rights of human subjects. Please contact us if you have any questions and use the IRB number and title in all communications regarding this study.

Good luck with your study.

All the best,  
Nalinee

**Nalinee D. Patin**  
IRB Coordinator  
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Web site: <http://www.clemson.edu/research/compliance/irb/>  
IRB E-mail: [irb@clemson.edu](mailto:irb@clemson.edu)

## Appendix B

### IRB Approval Study Site

Dear Ms. Poole:

Earlier today the convened University [REDACTED] IRB considered your proposal, *University Response to the Dear Colleague Letter on Sexual Violence: A Case Study*. The determination of the IRB was that the University [REDACTED] is “involved” and not “engaged” in your proposed research activity and therefore the proposal does not need to be reviewed and/or approved by the University [REDACTED] IRB. More detail on OHRP’s guidance on institutional engagement can be found at: <http://www.hhs.gov/ohrp/policy/engage08.html>. After reviewing this guidance, the University [REDACTED] IRB determined “without objection” that the University [REDACTED] is “involved” and not “engaged” in your research.

The effect of this determination is that you can approach subjects at the University [REDACTED] without the approval of the University’s IRB. You should review the cited OHRP guidance to ensure that your research does not at any point constitute “engagement.” For example, were you to have a member of the University [REDACTED] community assist you in consenting subjects, then your research would constitute [REDACTED] “engagement” and you would then need [REDACTED] IRB approval before continuing with your research.

In your contact with potential subjects at the University [REDACTED], you should not refer to this IRB determination as “IRB approval,” as it is not. Neither should you represent this email as endorsement by the University [REDACTED] for your proposed study, as it is not. Should someone question the status of your proposal, you are welcome to forward them this email, which shows that you demonstrated due diligence in ascertaining whether or not you needed [REDACTED] IRB approval.

Please let me know if you have any questions on this IRB determination.

Sincerely,

## Appendix C

### Email to Recruit Deputy Title IX Coordinator Participants

#### **Invitation to Participate in a Research Study at Clemson University Deputy Title IX Coordinator**

You are invited to participate in a research study conducted by Kimberly M. Poole, under the supervision of Dr. Tony W. Cawthon, at Clemson University. The purpose of this research is to explore the impact that the 2011 Dear Colleague Letter on sexual violence has had on higher education. You were selected for participation based on your professional role at the University of Richmond. Your responses will help to learn more about how your institution has responded to the guidance and clarifications offered in the letter and may be helpful to other institutions as they work to incorporate the Dear Colleague Letter and to be in compliance with Title IX. I will ask questions about policies and procedures, training, and education on the Dear Colleague Letter and sexual violence.

You will be asked to participate in an informational interview. The informational interview will take approximately forty-five to seventy-five minutes for the informational interview. You will be asked to take the researcher on a tour of campus and identify areas relevant to your response to the 2011 Dear Colleague Letter on sexual violence. You will be asked to provide copies of, or access to, policies and procedures and campus publications related to sexual harassment and sexual violence at your institution. You will be invited to give feedback after the interview has been transcribed and that will require thirty to forty-five minutes. Your total participation over the course of the study will be approximately ninety minutes up to four hours.

There will be minimal known risk or discomfort that you might expect if you take part in this study. You may feel inconvenienced by the time required to participate or you may have a sense of discomfort with discussing the topic. There is a risk of anonymity within the data. Any use of the data will remain confidential, but there is a risk to anonymity at your institution.

You will not directly benefit from taking part in the study. However, potential benefits will be that information obtained may be helpful to other institutions as they work to incorporate the Dear Colleague Letter and to be in compliance with Title IX.

Your privacy and confidentiality will be fully protected and no identifiers will be used in the analysis of the data. Your identity will not be used in any publications that this study may generate.

Your participation in the study is voluntary. You may choose to terminate participation and withdraw consent at any time. You will not be penalized if you decide to withdraw from this study.

If you have any questions or concerns about this study or if any problems arise, please contact Kimberly M. Poole at 864-903-1026 or Dr. Tony W. Cawthon at 864-656-5100.

If you have concerns about your rights as a research participant, you may contact the Clemson University Office of Research Compliance at 864-656-6460.



## Appendix D

### Email to Recruit Participants

#### **Invitation to Participate in a Research Study at Clemson University**

You are invited to participate in a research study conducted by Kimberly M. Poole, under the supervision of Dr. Tony W. Cawthon, at Clemson University. The purpose of this research is to explore the impact that the 2011 Dear Colleague Letter on sexual violence has had on higher education. You were selected for participation based on your professional role at the University of Richmond. Your responses will help to learn more about how your institution has responded to the guidance and clarifications offered in the letter and may be helpful to other institutions as they work to incorporate the Dear Colleague Letter and to be in compliance with Title IX. I will ask questions about policies and procedures, training, and education on the Dear Colleague Letter and sexual violence.

You will be asked to participate in an informational interview. The informational interview will take approximately forty-five to seventy-five minutes for the informational interview. You will be invited to give feedback after the interview has been transcribed and that will require thirty to forty-five minutes. Your total participation over the course of the study will be forty-five minutes to two hours.

There will be minimal known risk or discomfort that you might expect if you take part in this study. You may feel inconvenienced by the time required to participate or you may have a sense of discomfort with discussing the topic. There is a risk of anonymity within the data. Any use of the data will remain confidential, but there is a risk to anonymity at your institution.

You will not directly benefit from taking part in the study. However, potential benefits will be that information obtained may be helpful to other institutions as they work to incorporate the Dear Colleague Letter and to be in compliance with Title IX.

Your privacy and confidentiality will be fully protected and no identifiers will be used in the analysis of the data. Your identity will not be used in any publications that this study may generate.

Your participation in the study is voluntary. You may choose to terminate participation and withdraw consent at any time. You will not be penalized if you decide to withdraw from this study.

If you have any questions or concerns about this study or if any problems arise, please

contact Kimberly M. Poole at 864-903-1026 or Dr. Tony W. Cawthon at 864-656-5100.

If you have concerns about your rights as a research participant, you may contact the Clemson University Office of Research Compliance at 864-656-6460.

## Appendix E

### Participant Profiles

<b>Participant Name*</b>	<b>Position(s)</b>	<b>Years of Professional Higher Education Experience</b>	<b>Years at Given University*</b>
Gregory	-Deputy Title IX Coordinator -Associate Dean of Men's Coordinate College -Coordinator of Substance Abuse Education	22	15
Joan	-Deputy Title IX Coordinator -Associate Dean of Women's Coordinate College	13	10.5
Christopher	-Associate Vice President of Public Safety -Chief of Police	3	3
Felicia	-Associate Dean for Residence Life of Women's Coordinate College -(Serves as Student Conduct Officer for Women's Coordinate College)	9	8
Leigh	-Medical Director of Student Health Center	23	23

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\*Pseudonyms

## Appendix F

### Semi-structured Interview Protocol

**As a reminder, all information will be kept confidential. Your name will appear as a pseudonym and any identifiers related to your institution will be kept confidential and pseudonyms will be used. Your participation is completely voluntary, and you may ask to stop the interview at any time. The interview will be recorded using an audio recorder. You may ask that the recording be stopped at any time. I will also take written notes. I am going to ask you a series of questions about implementation of the 2011 Dear Colleague Letter on sexual violence that was issued by the Department of Education's Office of Civil Rights.**

**I am starting the audio recorder now.**

1. Tell me about your position on campus and how your position is involved in campus sexual violence services.
2. When did you become aware of the Office of Civil Rights' Dear Colleague Letter on sexual violence that was released in 2011?
3. How did the Dear Colleague Letter impact your campus policies and procedures related to sexual violence?  
Probes:
  - a. Do you have a non-discrimination statement?
  - b. Do you have specific grievance procedures?
  - c. Discuss any changes made to policies after the release of the Dear Colleague Letter.
4. How is information about related policies and procedures disseminated to campus constituents?
5. How do you educate students about sexual harassment and sexual violence?  
Probes:
  - a. What mediums are used?
  - b. Were these educational efforts in place prior to the release of the Dear Colleague Letter? If yes, please discuss any changes or updates that have been implemented since the release of the Dear Colleague Letter.
6. How do you inform students about reporting options?  
Probes:
  - a. What information are they given about reporting to law enforcement?
  - b. What information are they given about reporting to campus judicial services?

- c. Were these efforts in place prior to the release of the Dear Colleague Letter? If yes, please discuss any changes or updates that have been implemented since the release of the Dear Colleague Letter.
  - d. Please discuss any changes in the number of reported incidents since the release of the Dear Colleague letter.
- 7. What campus resources are available to students who are victims of sexual violence or to friends of someone who is sexually victimized?
  - Probes:
    - a. Are medical services available on and/or off campus?
    - b. Are counseling services available on and/or off campus?
    - c. Are academic accommodations offered?
    - d. Are housing accommodations offered?
    - e. What coordination between services occurs?
    - f. How accessible are these services in regards to physical location and office hours?
    - g. Were these services available prior to the release of the Dear Colleague Letter? If yes, please discuss any changes or updates that have been implemented since the release of the Dear Colleague Letter.
- 8. How do you educate faculty and staff about sexual violence?
  - Probes:
    - a. Are they trained on recognizing signs of sexual violence?
    - b. Are they informed of their duty to report?
    - c. Were these educational efforts available prior to the release of the Dear Colleague Letter? If yes, please discuss any changes or updates that have been implemented since the release of the Dear Colleague Letter.
- 9. How does your institution investigate reports of sexual violence?
- 10. Describe the prevention education that is offered on campus.

**As we are approaching the end of this interview, is there anything else that you would like to share with me about your experience with the Dear Colleague Letter and implementation?**

**Thank you for your participation. I will follow up with you once the interview has been transcribed. If there is anything that you want me to omit from the interview, please contact me at [kmpoole@clemson.edu](mailto:kmpoole@clemson.edu) and I will do so.**

**I am stopping the audio recorder now.**

## Appendix G

### Data Sources

Interviews	Documents	Observations
Face-to-face with Gregory, Men's Coordinate College Associate Dean and Deputy Title IX Coordinator	2011 Dear Colleague Letter on sexual violence	Researcher solo walking tour of campus during daylight hours
Face-to-face with Joan, Women's Coordinate College Associate Dean and Deputy Title IX Coordinator	Given University (GU) Non-discrimination Statement	Researcher solo walking and driving tour of campus after dark
Face-to-face with Christopher, Associate Vice President of Public Safety and Chief of Police	GU Sexual Misconduct Policy	Researcher walking tour of campus with Gregory
Face-to-face with Felicia, Associate Dean for Residence Life for the Women's Coordinate College	PowerPoint slides from GU Title IX Training	Individual visits to participants' offices
Telephone with Leigh, Medical Director for the Student Health Center	Business cards from Deputy Title IX Coordinators	Building tour of Police Department
	GU Dean of Students Title IX letter to students	Building tour of Student Health Center
	GU campus magazine "What You Need to Know About Rape and Sexual Assault" brochure	Given University website
	Counseling and Psychological Services brochure	
	Planning for Your Safety brochure	
	Student Handbook - Medical Assistance Protocol and Response Action Protocol brochure	
	Student Health Center (SHC) Sexual Misconduct Information & Resources handout	
	SHC Risk Self-Assessment Tool for STI/STD Testing	
	SHC STD Testing handout	
	Police Department informational packet and safety tips for stalking	
	Police Department Victim/Witness Services brochure	
	Campus Watch Brochure	

## Appendix H

### Codes

1. Joint decision making	22. Student education
2. Presidential appointment	23. New programs
3. New policies	24. Individual or Community
4. Training	25. Collaboration
5. Website	26. Coordination
6. Coordinate system	27. Very connected
7. Target key groups	28. Support
8. Education	29. Trauma
9. Reporting	30. Judicial hearing
10. Police	31. University community
11. Continuous revisions	32. Key times of academic year
12. Resources	33. Highly residential campus
13. Changes	34. Formalization of processes
14. Accessibility	35. Teachable moments
15. Faculty and staff training	36. Empowerment
16. Increased work	37. Limiting roles
17. Increased reporting	38. Job changes
18. Relationships	39. Transparency
19. Communication	40. Grant funding
20. Trust	41. Costs to victims
21. Outreach	42. Model program

## Appendix I

### Codes and Themes

Theme	Codes	Select Examples from Data Sources
<b>Change</b>	New policies Updated website Continuous revisions Changes Increased work Increased reporting New programs Formalization of processes Limiting roles Job changes	Participant Interview: “It was a complete overhaul”  Documents: Updated Sexual Misconduct Policy
<b>Collaboration</b>	Joint decision making Coordinate system Relationships Communication Trust Outreach Individual or community Coordination Very connected Support University community	Participant Interview: “We need to make sure that we’re all on the same page”  Document: Joint business card for two Deputy Title IX Coordinators
<b>Support</b>	Training Target key groups Education Reporting Resources Accessibility Faculty and staff training Relationships Communication Trust Outreach Student education Support Trauma Teachable moments Empowerment Transparency Costs to victims	Participant Interview: “We just take the students”  Document: Dean of Students Title IX Letter to students
<b>Human and Financial Capital</b>	Presidential appointment Training Resources Increased work Increased reporting New programs Job changes Grant funding Costs to victims Model program	Participant Interview: “We were just waiting for her position to be made full time”



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